

**PLANNING COMMISSION MINUTES  
COMP PLAN UPDATE & DELIBERATIONS  
THURSDAY, NOVEMBER 6, 2003**

City Hall Council Chambers  
210 East 13<sup>th</sup> Street  
Vancouver, Washington

6:30 p.m.

**CALL TO ORDER**

The public hearing of the Clark County Planning Commission was called to order by Chair, Vaughn Lein at 6:30 p.m. The hearing was held at the City Hall Council Chambers, 210 East 13<sup>th</sup> Street, Vancouver, Washington.

**ROLL CALL**

Planning Commission present: Vaughn Lein, Chair; Jeff Wriston, Vice Chair; Ron Barca, Lonnie Moss, Jada Rupley, and Dick Deleissegues.

Planning Commission absent: Carey Smith.

Staff Present: Rich Lowry, Chief Deputy Prosecuting Attorney; Patrick Lee, Long Range Manager; Bob Higbie, Assistant Manager; Evan Dust, Program Manager II; Oliver Orjiako, Senior Planner; Sandra Towne, Planner III; Colete Anderson, Planner II; and Sonja Wiser, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for November 6, 2003**

The agenda for November 6, 2003, was approved as distributed.

**B. Communications from the Public**

None.

**C. Approval of Minutes of September 25 & October 2, 2003**

LEIN: We had the September 25th and October 2nd minutes that were distributed two meetings ago for your review. Are there any additions or corrections to either one of them? If not, I'll entertain a motion to approve them both.

DELEISSEGUES: So **moved**.

LEIN: Is there a second?

RUPLEY: **Second.**

LEIN: All in favor signify by saying aye.

EVERYBODY: AYE

LEIN: Opposed by nay. Motion passes. Thank you.

### **PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**

#### **UPDATE OF CLARK COUNTY COMPREHENSIVE PLAN**

**PLEASE NOTE: This hearing will focus on deliberations.**

Clark County is updating its Comprehensive Plan. As part of this effort, the Clark County Planning Commission will be holding a hearing to take testimony on, and make recommendations to the Board of County Commissioners regarding update to the Comprehensive Growth Management Plan. At this hearing, the following will be considered:

Proposed changes to the 20-Year Comprehensive Growth Management Plan text and policies contained within.

Proposed Comprehensive Land Use and Zoning Maps for unincorporated rural and resource lands, and maps establishing expanded Urban Growth Area boundaries and providing plan designations for unincorporated lands within such boundaries for each of the following cities in Clark County: Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal, and Yacolt.

Implementation Measures - Proposed zoning ordinances and other measures necessary to implement the Comprehensive Plan.

Capital Facilities Plans and supporting documents.

A Final EIS issued on the 20-year Comprehensive Plan for Clark County and cities within the county.

**Staff Contacts: Patrick Lee, (360) 397-2375, Ext. 4112 or Bob Higbie, 397-2375, Ext. 4113.**

LEIN: This is a continuation of the update of the Clark County Comprehensive Plan from Monday. We were moving right along with Mr. Lee's help through some of the Code Changes. I believe we ended with mixed use.

LEE: I would -- one of the things that you requested at last Thursday's meeting that we ask

for feedback from the Board of County Commissioners on how to approach --

LEIN: Thank you.

LEE: -- site-specific requests. There has been consultation with all three Commissioners and I do have their feedback that I could present to you at this time.

LEIN: We'd love to hear it, sir.

LEE: The Board would welcome Planning Commission comments on site-specific requests to change urban designations in those cases where the property owner or their representative made a case to the Planning Commission. That means if it's a site-specific request that is in existing urban growth boundaries and someone either submitted written testimony and/or provided oral testimony, they would welcome comments on those if the Planning Commission chose to review those. The second point is, based on the development of the draft plan thus far the Board does not expect changes in rural designations in cases where site-specific requests do not relate to existing and proposed urban areas. That is the feedback from the Board.

LEIN: Thank you.

BARCA: Existing and proposed?

LEE: Yes. If there is, it gets to the issue of locating the urban growth boundary depending on your deliberations on where that should be located. If site-specific requests are within that edge area, if you will, then those certainly are comments that the Board would like to have from you.

MOSS: Well, I'd like to go on record as saying that I'm very disappointed on behalf of the many rural landowners who participated in this process up to this point who put out their time, their effort and their money to make those requests to get to this result.

LEIN: Any other comments before we move on? Okay. Thank you, Mr. Lee, for getting those for us.

LEE: Well, then that leads to the next question is -- and if you were to consider any of these site-specific requests as invited by the Board here, we would have to identify which ones, there is approximately 20 that meet the criterion that the Board identified in their first point to you. And so the question is did you want to hear those; and if you did, would you want to do that through a separately noticed public hearing now or would you want to make that as a recommendation to the Board for a docket item early this coming year?

LEIN: Does staff have a list of the 20?

LEE: We do have a list of 20 with one caveat, we would actually need to confer with Cindy

to make sure that anybody that may have provided oral testimony but did not provide written testimony was captured on that list.

LEIN: Okay. Desires of the Commission? We have the option of not hearing any of them or I would imagine picking those that we feel are more legitimate than others, have more impact on the plan. Ron, do you have a comment?

BARCA: I think it's inevitable that we're going to be including some of them in our deliberations. There will be certain focal points where I think we're all going to reach consensus that growth is appropriate at those locales, I'm certainly not clear enough at this point in time exactly where those locations are.

LEIN: Well, I think the issue for staff, though, is if we're talking about any of those 20, they require separate notification, separate hearing designation, it isn't something that we can include in our deliberations as we go through the city UGAs.

(Commissioner Wriston entered the hearing.)

LEIN: So what they need to know is have a direction of all the 20 or some of the 20 that we would want to advertise and do the technical reports and go through the hearing process because we also had a discussion that we could do one of two things: They could be forwarded like Mr. Lee indicated to the Board for docket. We could also I believe, correct me if I'm wrong here, have the hearing after we forward everything to the Board and then that would continue to the Board after our deliberations.

LEE: Yes, it would catch up before final action on the final comp plan at that point.

LEIN: Lonnie.

MOSS: Well, I'm still of the opinion that we have an obligation to consider all of these because we've started a process here which I think should have led to a conclusion on each one of these.

LEIN: Now when you say "all," after assuming your other statement, you're just talking about the 20?

MOSS: Well, no. My preface here is I believe we have an obligation to consider the whole 260 or 300 or whatever it is now. Now having said that, you know, I understand that the Board of County Commissioners made this call to not consider all of the rural ones and that leaves about 20. I'm not of the opinion that being equally unfair to everybody is the best result here. So I think that I would like to see us advertise if necessary, put out notice, and hear each of these 20 or so that the Commissioners are willing to consider and I'd like to see it done now rather than waiting. By "now" I mean sometime in the very near future as a part of this process that we've started rather than waiting until the next annual review process.

LEIN: Okay. That's one way. What about the docket method?

MOSS: When would that complete? I'm not sure I understood that.

LEIN: The docket will go next year.

LEE: The docket typically would commence really in about February and often conclude late summer, early fall; however, it could be accelerated so that could be completed early spring if that were, if that were the direction that staff received.

BARCA: They're asking us how to handle it.

MOSS: How much --

LEIN: The docket does not require a fee; is that correct?

LEE: No, it does not. The docket, you'd have to forward the list of site-specific requests and the Board would actually make the call at that point on which ones they would place on the docket. But --

LEIN: And if we were to accept all 20 of them for hearing, how long would it take for staff to be able to develop the staff reports for all 20 of those?

LEE: I think you would probably be looking at a hearing the second week in December would be about as quick as we could get it back to you.

LEIN: You'd get it done that quick?

LEE: We would make the effort to get it done that quickly, yes.

DELEISSEGUES: You know, I think we ought to start on the 20 as quickly as we can and then move into the other 240 or 50 as soon as we can thereafter. I agree with Lonnie, I think we do owe the people that came in and invested time and effort into their deliberation or their, you know, testimony in front of the Board we don't want to let so much time pass that they have to do it over again. Particularly those that had a representative or consultant come in, it probably cost them a lot of money to have that presentation made and I think we ought to deal with it as quickly as we can. If that's next year, so be it, but do the 20 and then hopefully keep moving through it until we've got them all finished.

LEIN: Well, one of the arguments I hear for the rural is there have been no changes in the rural area.

MOSS: Yeah. And there have been no changes in that intent in the rural area either. And that's one of the things that perplexes me about this from the beginning, it's been pretty

clear that in spite of many requests from the rural area for policy changes and comp plan changes that the Board has decided not to make any of those, and yet we've accepted hundreds of requests and we've provided a process to hear those and now we're saying we're not going to hear them because we're not going to make any policy changes. You know, that's a decision that could have been made a long time ago and an announcement could have been made each time that somebody applied here or inquired, but that didn't happen.

LEIN: Excuse me, Mr. Lee, didn't you indicate that you had sent letters out to all people who have made applications?

LEE: Yes. After the proposed plan had been adopted by the Board for staff to complete the analysis we sent out letters to all of the applications we had on file at that point, which is the vast majority of those that we have, indicating that they were either on or not on the proposed plan and that if they wish to pursue further that the next avenue to pursue was at the Planning Commission and we have heard testimony from a variety of these folks. And, you know, all along it has been it's something that may be considered. It's, you know, it's not as if we're not straightforward as staff in saying we really don't know whether there will be a change at the end of the day or not, but if you wanted to be considered this is the avenue and process that you have available to you at this point in time to see if you are going to be considered or not.

MOSS: I think, Pat, I don't disagree with anything that you've said and I appreciate your comments. I think the thing that bothers me the most about this is that the criteria of only considering those site-specific requests that relate to specific comprehensive plan changes have been applied far too late in the process. If that was the intent, it should have happened before 300 people applied, you know, that word should have got out much earlier. Anyway, it seems like that die is cast and I'm willing to live with that, but as far as the 20 or thereabouts go, I want to hear them as quickly as possible.

LEIN: How about the rest of the Planning Commission?

BARCA: Well, I'd like to explore this just a little bit. If we through our deliberations realize the aspect that some of these boundaries just aren't anywhere close to reality as far as the direction we're going or the ability to find movement in those boundaries, do we want to drag those pieces of properties into it through the notification process? Wouldn't it make some sense to try and get a general direction of where we think we're going as far as what urban growth boundaries are going to be impacted and what areas in general we think are going to be impacted and then make notification to the landowners as such?

DELEISSEGUES: But the 20 are in there.

LEE: Well, I think those that are in an area that has been proposed by a City or by the County as potentially within the urban area or by a property owner that's adjacent to one of those boundaries, you don't have to go through the separate notification process, those are

all part of the deliberations you will have on the comp plan establishing the urban growth areas and the zoning to apply in those areas, so you don't have to notify those. And that's, you know, that's well over 100 of the site-specific requests that we have.

BARCA: Oh, I'm sorry, I must have misunderstood. The 20 that we're talking about then are --

LEE: Those are wholly within existing urban areas and they are not --

BARCA: Within existing urban boundary, oh, I'm sorry.

LEE: -- in that geographic area where we're discussing whether to move an urban growth boundary here or there.

BARCA: Okay. I have no objection at all then, I agree with Lonnie, we should expedite the aspect of getting into them and understanding their requests.

LEE: I guess I don't know what the regularly scheduled Planning Commission hearing in December would be. Do you know, Sonja?

LEIN: Sonja, do you know?

WISER: Pardon me?

LEIN: In December.

WISER: The December meeting, the third Thursday.

RUPLEY: That would be Christmas.

WISER: I don't have anything on there.

MOSS: No, it's just Christmas Eve.

LEIN: We don't have anything scheduled that far out except (inaudible) deliberations.

WISER: I intentionally left December off.

LEIN: December would be the 18th.

LEE: That would be the regular scheduled meeting?

LEIN: Yeah.

LEE: That would probably be a workable date assuming we can have a quorum.

MOSS: Anybody got their plans made?

BARCA: Well, I think I'm in California.

RUPLEY: Florida.

LEIN: Wouldn't we have a quorum that evening?

MOSS: So far.

LEIN: Well, I hear California, Florida.

RUPLEY: We're only wishing.

LEIN: Oh, okay.

BARCA: Quickly planning. Quickly.

LEIN: So we would assume that we would be able to have a quorum?

RUPLEY: I will be here.

LEIN: You will be here. Thank you. Okay.

BARCA: So that gives you guys until the 18th of December to get these done; is that right?

LEE: Yes. But there is approximately 20 of these cases which means could very well take depending on the amount of testimony a couple of hearings to get through the deliberations.

LOWRY: Really, Rich Lowry, Prosecutor's Office, it really seems to me that you ought to make a at least a preliminary decision on each of these 20 that it makes sense to hear them. I mean just because somebody made an application or if we're treating this like a docket item, there is a judgment made by the Board as to whether there's apparent merit to their request before the effort is put out. So I think you ought to spend some time actually concluding that each of these has sufficient merit that it ought to go through hearing. And I think you ought to in making that determination decide whether this is a big issue. If it has merit but is going to be a big issue and it's going to take three evening meetings or hearings to get through the likely testimony, that makes no sense to have it put on for the 18th.

LEIN: Is staff prepared to talk about these this evening?

LEE: No. We can share the preliminary list that we have with the caveat that, you know,



we need to check and see if somebody that did not submit written testimony is not captured on this list, but we have a listing of those site-specific requests, yes.

MOSS: Could we -- would it help if we gave you until the next Planning Commission hearing to do that?

LEE: It would. It really depends on us sitting down with Cindy who's got many clients, not just us, with competing demands and checking the record to make sure that we haven't missed anybody.

LEIN: Well, she must be just about caught up with all the information I got today in minutes.

LEE: Well, you will get the October 9th minutes shortly if you haven't received them. She has the 16th minutes ready that, just about ready, the 23rd she is working on as we speak here, and that leaves the 30th and November 3rd. No, the 30th, the public testimony closed on the 30th, that's correct, public testimony closed on the 30th, so that would be what we would need. The 30th we did have testimony, that was the last day for public testimony.

LEIN: Well, I would agree with Mr. Lowry because, you know, in my mind some of those may not have any application that I would want to hear and I'd certainly hate to have staff spend the time and the notification process to go through, you know, January and February in hearings.

DELEISSEGUES: Are you talking about the 20, Vaughn?

LEIN: The 20, yes.

DELEISSEGUES: I thought we didn't have to send notification for the 20.

LEIN: No, it's for those 20 that we have to send notification for. They're within the UGA and so we have to notify the public of the hearing.

LEE: Right. It would be a notification of surrounding property owners by mail, posting the site and the legal notice of hearing and a SEPA.

MOSS: I'd agree a first cut could be helpful here.

LEE: Yes, we can hand you the list if that would be helpful if you want to take a quick look or if you would prefer to wait until --

BARCA: Could the list be correlated on the screen with one of these maps just to kind of point out --

TOWNE: A lot of these are new.

BARCA: Pardon?

TOWNE: I have 11 by, I'm sorry, 8 and a half by 11 maps, my small maps that I normally put up here for them, and I have a spreadsheet. Some of them are new requests from testimony so that I don't have a file on them, they're not from, you know, the ones that I've collected through the year. So I can show you a map for each one of them, but I can't, it would be very difficult to point them out because a lot of them are half acre in the middle of the Vancouver growth boundary area and it's, you wouldn't notice it on a large-scale map.

BARCA: So on the maps dated October 23rd that have a green boundary that says "site-specific requests through September," you're saying the ones that are after September are the ones of issue?

LEE: No. No. I think --

BARCA: No?

LEE: I mean the list includes some received as early as 2000 and some received as recently as October 30th, but we can certainly pass out the materials that we have if that would be helpful, again recognizing that there may be one or two that we'd have to confirm if oral testimony was given and not and no written testimony was submitted.

BARCA: Yeah, for me finding some geographic order would be appropriate.

LEE: Yes, pass out the packets here. Would it be your preference to be to review these and come back next week?

LEIN: That would give you some time to look at it rather than approaching it tonight? Is that satisfactory?

RUPLEY: And we would come back with a thought about whether or not we think it should be --

LEIN: Correct.

RUPLEY: Correct.

LEIN: Yes. It would be staff would like direction next week.

RUPLEY: What determines validity to review?

BARCA: Is it just one person saying they want to do it is enough?

LEIN: Well, most of these are not contiguous to each other.

LEE: That is correct.

TOWNE: I don't think any of them are.

LEIN: They're pretty much independent. Part of the direction has been to look at additional commercial and industrial land. So if there's residential going to commercial, industrial, that is one direction that the County has been recommending at this point and usually they are looking for I think most of them that kind of designation. I don't see too many that are going to residential. R-18 on the one. So, but, you know, that's some of the criteria you'd be looking at is does it support the economic part of the plan.

BARCA: Well, I think there's also the issue that as I recall quite a few of the landowners brought forward that felt like there was a conflict or incompatible use in the way that they were zoned so I'm not so sure it's a cut and dried issue. Are you having trouble hearing me? Oh, okay. I don't believe it's such a cut and dried issue then, that just because they're going to residential doesn't make it appropriate.

LEIN: I'm not saying -- I think all I was saying that part of the guideline has been the push for the economic factor within the urban area.

BARCA: So I'll put this back out on the table. If any one of the Planning Commission feels like we should hear that particular parcel is that enough for it to make the cut and get a full staff report? Don't look at them, I know what they'll say.

WRISTON: Lowry's over there shaking his head.

RUPLEY: Lowry's going no way.

BARCA: I'm glad you don't have a vote.

LEIN: I would say we should have some type of majority to go forward with it myself.

MOSS: Are you guys afraid I'm going to say yes on all of them?

RUPLEY: No, we know that's what you'll do.

MOSS: No. I, listen I think the process is good, I think that we ought to fairly consider these and I don't intend to vote for every one of these necessarily, nor would I vote for the other 260 if we did those, but I think what's important is that they be fairly considered. I think some of these we can fairly consider in about three minutes.

RUPLEY: What does "Letter" mean on the very last column on the right?

LEE: That was we had five letters that we had set letter templates when we had sent out notifications to different individuals and most of these are 2s meaning they were inside the urban growth area with no change being proposed, just helping us keep track of what we've done.

LEIN: Now, Sandra, you said there's about 20, there's only 16 on here. Are there some multiple ones?

TOWNE: No, that was just our estimate, past estimate, knowing that we may have some additional ones that we don't have on here from just oral testimony. So we're expecting there will be some more coming when we look through the minutes very carefully.

MOSS: I counted 19. Did you count the second page?

TOWNE: There are more than 16. Yes, there's two pages.

LEIN: There's two pages?

TOWNE: Yes.

LEIN: Oh, there it is, okay. I thought you just gave me a blank, sorry.

LOWRY: Rich Lowry again. One dynamic that the Planning Commission should be aware of is under GMA we're only allowed to open up the comp plan once a year with certain exceptions, which means that if the Board were to take action in December on your recommendations on the comp plan update and you weren't through with any site-specific recommendations and get them to the Board, in order for them to catch up to the Board's proceeding if the Board acts you can make a recommendation and the Board consider that recommendation but it can't be implemented until they complete all annual review proceedings next year. So I mean my concern is you starting your hearing on the 18th makes it unlikely that this will catch up to the Board's proceedings because I think the Board is still intent on finishing this work on the update this year.

RUPLEY: Well, they have two more hearings in December after we're done.

LEIN: Thanks, Rich.

MOSS: That was a lot of help.

BARCA: I think he just rendered us useless.

MOSS: No, I think that happened some time ago.

LEIN: So with that, the easiest way to handle them would be to forward them on to the Board of County Commissioners with a recommendation potentially to go on the docket?

LOWRY: Yes.

WRISTON: No.

LEIN: That would be the easiest.

WRISTON: This group right here now?

LEIN: This group, yeah.

WRISTON: And not consider them now?

LEIN: And not go through the hearing process because we won't be done with the hearing process.

LOWRY: Well, one thing you could do is go through them, perhaps go through them and on December 18th when staff's had a chance to do a little work on them and make a informed judgment as to which ones should go on the docket next year.

LEIN: So we'd be making our recommendations as to which ones would go on the docket?

LOWRY: Yeah, but you'd be doing it after having ground truthed whether they truly have merit.

WRISTON: Might as well just hear them or deliberate on them then.

LEIN: No, because you have to advertise that and send out notification.

WRISTON: Better to advertise them and do it twice, I mean.

LEIN: Well, we can't get through them in one meeting though.

BARCA: But we knew this was going to be part of the process I guess when it's --

LEIN: Well, that's why staff has been asking us for the last month do we want any of these on the site-specific issues.

WRISTON: And we said 290 of them?

BARCA: Yeah. And I think it would be very really clear when we were given the option to hear 20 that we said, oh, okay, that sounds good, we'll do those 20 then and now it appears as if hearing those 20 is somewhat superfluous, but I'm not sure that I believe that. I think we should get record.

LEIN: Well, we can still have record by making recommendations but not going to hearing on them and we can recommend that they go on a docket because there's a validity to them being changed.

DELEISSEGUES: When they go on the docket do we have to hear it again?

WRISTON: No.

LEIN: We don't hear it, it goes to the Board.

WRISTON: The docket comes through us, doesn't it?

DELEISSEGUES: Yeah.

WRISTON: Well, we'd get -- it would come through us first and then the Board.

LOWRY: Essentially I guess what I'm recommending is that you use the 18th of December to go through each of these individually and perhaps in a work session format when staff can give a little bit more information on them, then you can decide which ones you believe have sufficient merit that they ought to be heard, and then part of your recommendation is that the Board as a docket item have you hear these as early as possible next year, although no decision could be made effective until the Board concluded all the work on the comp plan next year. Because I, I mean I just don't think it's practical to think that if you hear this December 18 that it can possibly catch up to the Board so the Board could have its own hearing and make a decision on both the site-specifics and the comp plan update.

LEE: Let me explore something further. And, Rich, I need you up there because this is a question. If we were to go back to the Board in work session and say the Planning Commission would like to hear these as dockets next year, could the 18th be used as the start of the Planning Commission hearing process so the Board could actually work on it?

LOWRY: Yes.

LEE: So if we were able to get to the Board and they said, yes, we'll put these on the dockets for next year and the hearing on the 18th could be used as the Planning Commission recommendation to the Board on that dockets?

LOWRY: Although there's no way you could put 20 of these on for the 18th.

LEE: Well, but it would start that process --

LOWRY: You could start the hearings --

LEE: -- it would accelerate the process. I think what the Planning Commission is looking for is to try and hear these as early as we can within the bounds of our legal restrictions.

LEIN: But that still assumes that we'd want to hear all 20 and I'm not sure we would want to hear all 20. Thank you.

DELEISSEGUES: I thought part of it was, Vaughn, that we would take a look at them between now and then and come back and give you some idea of which ones we do want to look at.

LEE: Well, we could, you can still do that, you can give us some feedback next week and we can plot a course at that point if that would make the most sense.

TOWNE: I'm not too sure by just looking at this spreadsheet and those small maps that I gave you exactly how you'll determine whether they hold merit or not. I mean it takes full checks, it takes, you know, staff does a fair amount of analysis to determine whether they have merit or not. So I think that might be difficult for you in a week to accomplish that.

BARCA: We didn't say we were going to do a good job, did we?

WRISTON: Well, each one of these has, can always, can go on the GIS; right? Each one of these has the parcel numbers and so you can plug them into the GIS and the maps on-line and --

LEE: That may be, I don't know. Is that included on the some of the mapped information that you gave them as well?

LEIN: These all have some type of map from GIS, though, too.

TOWNE: I think you have all the parcel numbers, that's correct, on the spreadsheets.

WRISTON: See the aerial and get some information maybe. I don't know whether --

DELEISSEGUES: Sandra, you could probably have all of this to us by tomorrow morning; right?

TOWNE: Right, Dick.

WRISTON: What?

LEIN: Okay. Well, let's review these between now and next week and then we'll decide then how many we want to hear, if we want to hear them, if so how many, or if we want to just recommend the docket process to the Commissioners. Is that agreeable?

MOSS: Wait a minute. If we want to hear them?

WRISTON: Now or --

BARCA: At all.

DELEISSEGUES: Or on the 18th.

MOSS: On the 18th you mean with advertising or are you talking about hear them for real consideration or just --

LEIN: Well, I'm thinking more we meet next week at a workshop, go through these, determine if they're going to be a docket item or not. If they're docket items, they're addressed differently, and then the Board, our recommendations to put those on a docket that if the Board agrees they come back to us and then we go through the hearing process, but that doesn't get wrapped into it until after the Board adopts the plan, correct, Rich? And really even if we hear them the Board can't do anything with them until after the plan is done anyway?

LOWRY: Right. The Board is required to look at the docket once a year, but they can look at the docket more than that if they want to. So you could -- if you make a decision as to which ones you think have merit, that can be immediately taken to the Board with your recommendation that they be expedited.

MOSS: Pat, what process are you -- are there any of these that you are considering, talking about the urban growth boundary edge issues now, are there any of those that you would be considering that are actually within the existing UGB but are on the edge? There was one at the hearing last week I believe that was requested as I recall by someone on behalf of some folks that are 93 and 95 years old, that one's actually inside the UGB. Is that one that you'd -- we would be considering?

TOWNE: That's on this list.

LEE: Yes.

MOSS: That is on this list? So those folks would wait.

TOWNE: Those folks what?

MOSS: That is on this list right here?

TOWNE: That's correct. Right. They're the Zeilers, almost at the very bottom.

MOSS: Zeiler, right. Okay.

TOWNE: So they would be whatever you determine to do.

MOSS: When we're talking about what's been referred to as the UGB edge issues, we're



not talking about doing any of these that are inside the existing UGB even though they relate to proposed changes outside the UGB?

TOWNE: Right. No, the ones that are along the UGB are outside of the existing UGA. Even if the ones that are inside the UGB are right on the edge, those are considered inside the urban growth area. Okay.

MOSS: Doesn't it make sense to include those that are right up against the UGB --

TOWNE: That's --

MOSS: -- or would you have to advertise for them?

LEE: I mean it's -- that's the notification issue.

LOWRY: Are they asking to get out of the UGB?

LEE: No. If they are in the UGB --

MOSS: They're asking for the right zone.

LEE: They're right at the UGB boundary you're saying?

MOSS: Yes.

LEE: They're right at the UGB boundary currently but they're inside.

LOWRY: But they're not requesting to be taken out of the urban growth boundary?

LEE: No. No. They were going from one urban designation to another is the proposal.

TOWNE: So they'll have to be notified.

LOWRY: But it -- well, I mean if there is, if there's going to be a UGB expansion immediately by their property and the zoning that is going to be recommended for the property coming in for some reason relates to what the zoning of these people's property should be, then that may be an edge issue.

MOSS: Well, that's exactly the situation. This was a peninsula of, what was it, light industrial I believe that jetted out into what's proposed to come in as residential and the request was to make it residential, compatible with the rest of it.

LOWRY: I think if there's that close of tie, then you can probably consider it.

MOSS: Well, that's the Zeiler property. I'd recommend that we do consider that as a UGB

issue rather than waiting. There may be others like that, but if you've got the time I'd appreciate it if you could look at those.

LEE: Okay. We'll consider that as part of the overall comp plan process then.

LEIN: Are we done with this?

RUPLEY: I'm done.

BARCA: In what fashion?

LEIN: For right now? Okay. Do we want to move on, then, to the update of the Code Changes or do we want to go back to and finish up the other items? Do you have a preference, Mr. Lee?

LEE: I would prefer to go to the Code Changes.

LEIN: Okay. We went through urban holding districts and mixed use. I think we finished up mixed use, so we'd be going on to the existing MX zone standards.

HIGBIE: Employment --

LEIN: Mr. Higbie.

HIGBIE: Employment centers, is that the one that we --

LEE: Yeah, the employment centers is next, the BP, OC.

WRISTON: We didn't finish mixed use.

LEIN: We didn't finish mixed use?

WRISTON: But we didn't talk about it. I mean I don't remember then. We didn't talk about it.

BARCA: Speak into the microphone when you say that, would you.

WRISTON: We didn't talk about it I didn't think.

LEE: Well, you flagged three potential issues as I recall last week that you might want to have some more discussion in terms of the changes and standards that we are recommending. Bob can capsulize those if that would be helpful.

LEIN: Do you want to hit those three, please, Mr. Higbie.

HIGBIE: Okay. Starting with the mixed use, Bob Higbie, Long-Range Planning, we went through a lot of the details on here. There were three basic issues I think. One was the density, there was an issue over what the high range of the density ought to be and the low range of the density. We were talking about -- staff had made a recommendation to bring on Page 5 of the draft that I had sent out last week. Page 5 of the draft there's a reference to 43 units per acre which would be a change from the current code which says 30 units per acre and we were, we had recommended bringing it down to 22 units per acre and there was some discussion on that. If it would please the Commission, staff doesn't have any strong feelings on that and so leaving it at 30 would not be a problem.

You also were talking about whether or not 12 units per acre in that same section b.(1), 12 units per acre was too high as opposed to something lower which would permit single-family detached housing on smaller lots. On Page 6 there was an issue of in the table of 020-3, we were, staff had suggested decreasing the minimum setback which we had recommended as 20 back to a minimum, a front yard setback of a minimum of 10 feet. There had been some discussion on the Planning Commission about the advisability of having a 35 foot maximum setback. 35 foot maximum setback.

And I think the other discussions that you were having related to off-street parking maximums which we had proposed to eliminate. If memory serves me, those were the -- oh, and neighborhood meetings, whether to require neighborhood meetings at prior to a pre-application conference. And then that's on Page 9.

LEIN: I think also you were going to try to get a better definition on "conceptual" versus "detailed."

HIGBIE: I did.

LEE: Site plan detailed plans.

HIGBIE: I do have some wording as soon as I can find it here. I don't have the exact language, but it would go in on Page 10 under, at about the middle of the page, h. Procedures (1) where it talks about a detailed conceptual plan. The wording in that sentence should be changed to talk about a conceptual -- a detailed master plan for proposed land uses and a conceptual master plan for proposed future phases, under the assumption that we're talking about a fairly large project. Master planning kind of implies that you're going to have phasing and so you'd want more detail on the site plan or on the master plan where you're actually talking about developing a portion of the site as opposed to what you might be doing later on down the road in future phases.

LEIN: Okay. Is there any additional discussion or comment on this particular MX district?

MOSS: I'm sorry. Any further discussion? Having missed the last hearing I just got --

LEIN: Could you use the mic, sir.

MOSS: I would if it would quit falling down. I made a suggestion but I'm not going to repeat it here. Was there any discussion about on Page 1 the 20,000-square foot threshold for application of this Mixed Use Ordinance? You know, I'm particularly concerned that small lots --

HIGBIE: Whereabouts? I think the answer is yes. I think that we were recommending that it increase to an acre.

MOSS: I'd go for that.

HIGBIE: But I can't find the exact, yes, the Draft 3 if you're referring to the Draft 3. If you're not --

WRISTON: Yeah, Lonnie, are you working off Draft 3?

MOSS: Maybe I'm not.

DELEISSEGUES: At the bottom of Page 1.

MOSS: Do I have a Draft 3?

BARCA: It says it at the top if you got --

WRISTON: At the very top in the center.

MOSS: No, I'm not. This is the first time that I've got all of this paper mixed up.

HIGBIE: We've, yeah, the proposal was to, and it's in the Draft, to increase it to one acre.

MOSS: Okay. Thanks, Pat.

LEIN: Any other comments on this right now before we continue on? Could we go on to the next one then, please, Mr. Higbie.

HIGBIE: Okay. The next one is employment districts. We have distributed this along with the rest of the code amendments and they've been out in the public domain for quite some time and we've received absolutely no comments on this section of the proposed Code Changes. The idea behind the employment center districts was to combine, well, was to take the existing office campus and business park zones that are currently in the code, combine them because there were a fair amount of similarities and then apply. And basically the major changes are in the use list which is really -- what we did is we took the C-3 zone and moved it from this, from that section, into the chapter itself when we combined the two zones together and then went down the use lists and tried to distinguish

between an office campus and business park by the intensity of the uses. And generally speaking you'll find that business park is somewhat more -- has somewhat more intensive uses than the office campus does, which will give you some idea of depending on the kind of neighborhood that you're trying to apply this to, if it was a more dense residential neighborhood, you'd probably be inclined to use office campus on the adjacent property as opposed to business park.

The other distinctions between the two zones are on Page 16 at the bottom, the two tables here. Basically the very last table talks about the setbacks where you abut, where the property that you're applying the zone to abuts residential zones. And with the business park it starts with a 75-foot setback minimum around the perimeter of the site and that can be reduced to 25 feet if you provide additional landscaping and buffering that would make it more compatible with the adjacent property. It also has a sliding scale of height limitations when you're building immediately next to either urban low, urban medium or urban high density zoning, going from 35 feet up to 72 feet. The office campus has one setback and that's 35 feet at the front and then there would be no side or rear yard setbacks required and you would have a maximum building height of 35 feet regardless of what zone you were adjacent to.

And the idea behind these zones has been that you want to provide a campus type setting, you want jobs that generally have higher pay and higher density per acre and can be put into areas and be compatible with what's going on around them. And that's pretty much what the current office campus and business park tried to do and we're trying to carry that forward in the changes that we've made here.

LEIN: Did any of the business park permitted or conditional uses change between the two?

HIGBIE: Change from the current code?

LEIN: Yes.

HIGBIE: Yes. Yeah, we tried to -- not many, but we did try to make some distinctions. For example, we didn't have a category of P1, that was added. We tried to make the code more consistent with the way the industrial codes are formatted now, but in general the uses are similar to what has already been allowed in the office campus and business park zones.

LEIN: Comments? Questions of Mr. Higbie?

MOSS: I'm just wondering what the origin was of that requirement for 50 percent of the building facade that faces a public street to be transparent?

HIGBIE: I think you're referring to the MX zone.

MOSS: Am I?

HIGBIE: I hope.

MOSS: No, I'm not. Yeah, I am, I'm sorry.

HIGBIE: Yeah, I believe that if you look on in the MX zone on that draft we reduced that requirement as well, made that a little bit less.

MOSS: Okay, thanks.

LEIN: Any other questions on this chapter? If not, let's move on.

HIGBIE: Plan amendment procedures, changes to that chapter of the code that deals with how you amend the comprehensive plan. Oliver Orjiako in dealing with the policy language in the comprehensive plan indicated to you a couple of hearings ago that we've made some changes in the policies in the comp plan to deal with legislation that allows the County under certain circumstances to place industrial developments in rural areas, and he's carried that forward into the language in Chapter 40 of the Development Code and you'll see references to those in the code itself. And then the criteria for making a decision on whether or not to permit those rural industrial zones to occur are identified on Page 4 and those, that language, carefully follows the criteria in State legislation.

MOSS: Okay. State statute?

HIGBIE: Correct.

ORJIAKO: State statute, yes.

MOSS: Statue.

HIGBIE: I think he's found an error in spelling.

MOSS: Not too carefully follows the language.

HIGBIE: And that's the extent of the changes in that chapter.

WRISTON: Except we're going from 5 to 7 years on the periodic review?

LEE: That was a legislative change that was just made.

WRISTON: Okay. That's what I --

MOSS: So we have to start the next one when?

BARCA: January.

LEE: Is it start a new (inaudible) or finish it then.

MOSS: January.

LOWRY: Just one remark, Rich Lowry again, it's confusing because the statute changed the 5 year review to a 7 year review but didn't change the 10 year update where you bring in a new population estimate, so the 5 and the 10 made some sense because you did something every 5 years. Now the 7 doesn't divide into the 10 so we're going to be doing stuff sometimes 7 years apart, sometimes right together, and I guess every 7 years we'll be doing it at the same time.

WRISTON: So when do we do the population?

LOWRY: 10 years. Every 10 years.

WRISTON: No, I know. So that's -- I'm just trying to figure out the dates. 2010 is 7 years here.

LEE: 2013.

WRISTON: Is the -- okay.

LEIN: Except it says the calculation of supply shall be based on population growth projections within the UGA, it doesn't give anything in terms of years. We've got the years crossed out on Page 6 at the top, Item 5, there's nothing that ties in to a specific population growth projection. Is that an error then?

LEE: No, I don't believe it's an error. I think the 10 year you're basically relying on the choices that are provided by the Office of Financial Management.

LEIN: Okay. So we don't have to have any designation in there?

LEE: No, they'll provide us with a low, medium and high range with the medium being what they foresee is the most likely.

LEIN: And which we will take the low.

LEE: Actually we are the 1.83 is at the medium, that's why this is on target with what they consider the most likely.

LEIN: Okay, thank you. Questions or comments on this? Let's move on.

HIGBIE: In-fill. The in-fill code has been around about a year. It's been -- there's been a

lot of applications, a lot of applications for in-fills. We've only had 5 or 6 that have actually gone through the process completely so far, but we had something like a third of all land division applications have been in-fills over the last year. Based on that experience there's a number of changes you'll see in here, all of which with one exception had been recommended to clarify problems that the staff and the development community have had over how you interpret what the various sections mean and so I don't want to go through those because that's language that's basically have come forward from Development Services as a result of that experience. The only one that we're bringing through kind of on a policy level is on the first page we're talking about whether or not in-fill developments or this section of the code for in-fill developments should apply at all to those areas that will be incorporated as new urban growth areas.

The basic reason for the language in here which basically would preclude the in-fill ordinance from applying in newly added areas to the urban growth boundary is based on a section of the road standards which allows in-fill developments that are further than 800 feet from an improved urban road to develop that road to an urban standard and by definition areas added to the urban growth boundary will not have urban streets developed in the area because they're all -- it's a rural area, so there would have been no reason to develop an urban street. The Planning Commission when you first talked about this suggested that perhaps rather than just prohibiting in-fills outright to deal directly with the issue of that urban road standard exemption, and that's at the very end of your packet as Attachment 6 with the language on Page 2 of that handout where it talks about the 800 feet exemption from making urban road improvements, and I would suggest that -- I would suggest that if that is the desire of the Commission then, that staff then -- you recommend that staff go forward with a recommendation not to prohibit in-fills from being allowed in the new urban areas but to deal directly with making this exemption not apply instead to and then continue to allow in-fills in the new urban areas as long as they didn't have this exemption available to them.

MOSS: Well, Bob, you've thoroughly confused me now. I understand the issue, the policy issue about whether these apply or don't apply to the expanded urban growth boundary, but do all -- let's see. Are there -- the other changes that are proposed in the in-fill ordinance that don't relate to that are, is this Planning Commission supposed to be considering those?

HIGBIE: You could certainly deal with them. You could certainly deal with them if you'd like. It's my, it's our position that -- well, all of these changes came forward from the Development Services staff who have been dealing directly with in-fill applications and they are the ones that worked with our staff on working those changes and it's been sold as minor changes that help clarify what these sections mean. But, yes, those are coming forward with this package.

MOSS: Let's go back to the road modification section that's proposed. I'm a little troubled by the new language here. Let's say that we have an in-fill project that's proposed that fronts on Road A and 600 feet away but really unrelated to this project is a Road B through



the block 600 feet away, I can well imagine that at least some staff would make a determination that this improvement has to be consistent with that Road B which is fully improved rather than the Road A which this one fronts on only because it's less than 800 feet away.

HIGBIE: And you're saying that the current -- you don't read the current language to say that as well?

MOSS: No, I don't. This is providing access or located within 800 feet. Maybe it does say that. Certainly that wasn't our intent I don't believe when we pushed this thing through. I thought we were talking about roads that were adjacent to this in-fill development, certainly served it, not just anything within 800 feet.

WRISTON: Was that a change that the Commissioners made?

HIGBIE: No, that's not a change the Commissioners made, this is a recommendation from Development Services.

WRISTON: No. No. No. The 800 feet, because I'm tending to think, and I don't know, it's been a while, I don't know what happened, what we recommended versus what was actually adopted by the Commissioners, but I think what Lonnie is saying is our intent was, I thought it was like on either side of the, you know, if there was a sidewalk on one side of the parcel and on the other side of the parcel then you connect the sidewalk. I agree with Lonnie, I don't remember this 800 foot (inaudible).

LEE: Yeah, I think there was the distance that was in there so that when reviewing a road modification request you could --

MOSS: I think (inaudible) --

LEE: -- you could make the determination whether it was likely that you would need to continue with the improvement or that it looked like it was -- it is pretty stable and it was really not necessary to go back and retrofit an area that was virtually built out to that standard. That's my recollection.

MOSS: I guess my concern is the standard for this in-fill developments road frontage improvements could be set maybe by either one of these definitions by a roadway which doesn't serve that development at all but is less than 800 feet away and I'd certainly like to see that clarified so we don't get into that box.

HIGBIE: Okay. We will carry that forward and try to make sure that intent is realized.

LEIN: Other questions or concerns? Ron.

BARCA: I think for the sake of understanding the changes, even though the discussion

has been that the rest of the changes were brought forward for clarification purposes, I think I'd like to take the time to try and understand the motivation behind them. And I don't want to spend a lot of time on them if they make sense. Like the, you know, change the aspect of a pre-application meeting versus conference, I don't need to spend time on those, but some of these other things, just as an example on Page 3, Item 4.c.(1) the aspect of "except on an alley there may be a minimum five (5) foot setback from the rear property line abutting the alley," was this added language?

HIGBIE: Yes.

BARCA: Okay. And we didn't cover that specifically for alleys before and that's why this was put in?

HIGBIE: That would be my understanding, yes.

BARCA: Okay. And then here was the other one that I had flagged which was Page 4, 2.a., on the minimum lot area for attached single-family dwelling developments, that's added language. And I'm --

HIGBIE: I suspect that it wasn't clear that there was a minimum lot area for attached single-family dwelling or at least it wasn't easy to determine without that clarifying language.

MOSS: That's kind of awkward wording, isn't it? It's "minimum" in the table and "shall be met."

LEE: I just want to make a blanket statement that the minimum lot area for attached single-family developments is in Table 40.260.110-4, you know, it seems the end shall be met is redundant.

BARCA: Well, I guess the part that I was kind of struggling with is it says the minimum lot area for attached single-family dwellings and then the table as I read it is for detached single-family dwellings.

LEIN: They've crossed out the "attached" and indicated "detached" in 2.a. so it's consistent with the table.

BARCA: They did?

MOSS: No.

BARCA: Not what I read on mine.

MOSS: Table 4 is under your right hand over there, it is "attached."

BARCA: Oh, I'm sorry, I was reading Table --

MOSS: That's .110-2.

BARCA: -- .110-2, right. I guess because it was just so close to the text I made a mistake.

LEE: That may be why they wanted that reference.

BARCA: Okay. That was the other thing that I had written down and thanks for going over that, Bob.

HIGBIE: You're welcome, sir.

LEIN: Anything else? Jeff.

WRISTON: Can you run through the -- I'm still having problems with the rationale for wanting to exempt those areas brought in the urban growth boundary from the in-fill road modifications.

LEE: I think the long-term concern is that because it is a rural area that is not built to urban standards it could be argued consistently that a modification was desired, which means we'd never get the local circulation network in the new urban areas. That's the fundamental policy concern.

WRISTON: But these, they would have to have-- these in-fill lots would have to have the urban development on 50 percent of its non-street perimeter I guess. Is it -- I'm just trying to envision the circumstance where that situation would arise and I --

HIGBIE: Wherever the situation occurred, and it won't occur that often, but wherever it would occur you would not get a frontage improvement because they would be further than 800 feet from an urban improved road.

WRISTON: Well, I understand, but it's somewhat --

LOWRY: I think to understand how that might play out you have to look at the definition of "urban" right at the beginning of the ordinance. It's defined so you can have fairly large lots on your perimeter and still be considered in-fill.

MOSS: But that depends too, doesn't it, Rich, upon the definition that you put on anticipated improvements in this section? It says "if consistent with existing or anticipated improvements along neighborhood roadways within 800 feet."

LOWRY: Right. And I think the --

MOSS: Does that not --

LOWRY: I think the concept behind this change is we have some of the areas that are being brought in that do have some fairly small lot patterns for rural areas and that applying this standard which was developed for an urban area out in the rural area is going to create real problems of application, knowing where it should apply and where it shouldn't.

MOSS: Well, I'm just wondering, though, isn't -- it seems like the burden has been on the applicant to demonstrate that those other areas aren't likely to develop or the adjoining properties aren't?

LOWRY: Right. I mean my own view of what will probably happen over time is that once significant development has occurred in these new areas that this section probably will be removed to revise so it then applies to the next new UGA area when we're really talking about in-fill.

MOSS: Let's, you know, and I can understand, to me that's attacking half the problem. The other half is that if this truly is a situation where there are small lots out there that aren't likely to redevelop and the frontage improvement isn't going to get made, then I hate to see us have an in-fill development do a frontage improvement that's the only one on the block. And that can happen because of preexisting small lots out there, but it seems to me as I said that the applicant has the responsibility right now to demonstrate that those lots in the neighborhood are not likely to develop and the frontage improvements won't occur. It seems like that's why we put the anticipated language in there for that, you know, if there's all two and a half acre developments adjoining this property they'd all qualify as urban, but to say that none of them would develop is probably a stretch.

LOWRY: This is a policy choice in terms of whether we ought to afford the same ability to get out of the frontage improvements in the new area as we do in the existing boundary.

MOSS: I guess I'm not, I'm not bothered by applying that to the in-fill ordinance or this provision in the in-fill ordinance or any part of it to the rural area solely because of this problem because I do think the applicant has to make that case in order to get out of the in-fill provisions, or excuse me, to get out of the frontage road provisions, and I'm not sure that we want to discourage in-fill type development. I guess that's a policy choice that we all have to make here, but, Bob, I almost thought, and I'm not accusing you of this, but I almost thought that it sounded like that 30 percent in-fill development applications was something to be looked not kindly on it sounds like if anything.

HIGBIE: No. No, that was not my intent.

LEE: No, actually we're very excited that it is apparently being used as well as it has been. And I think because it has been used several times these interpretation problems have come up when you're reviewing specific applications so we're trying to make that I guess ease that trouble that, you know, some of our staff are having with interpreting a specific

application relative to the language.

MOSS: Well, one of the things I said several times when we were developing this in-fill ordinance and I'll say again is that this kind of incentive is very helpful to get some of those smaller parcels to develop because they bear a disproportionate share of fixed costs that have to be allocated over very few lots. So, you know, I'm not particularly bothered by applying this out in those areas, you know, with the exception I think it's a valid concern that an in-fill development could escape doing a frontage improvement when adjoining properties are going to have to do one and then you'll have a gap in the road. But I think the mechanism is there to guard against that in most cases, but I do think there are some, truly some where, that are out there on the edges where it can be demonstrated that road improvements are not going to be made on each side of this property and I hate to see this one be the only one to make it, we've got enough of that patchwork type stuff in the urban area already.

BARCA: So do you have a specific recommendation?

MOSS: Yeah, I do. I think that we should apply in-fill to the expanded urban growth boundary as well as the existing.

BARCA: Lonnie, I thought we were talking about specific wording in this.

HIGBIE: Simply to delete the change identified on Page 1, B.1.a.

WRISTON: That's right. I think --

MOSS: Yes.

WRISTON: Because what you're recommending is that it does apply to what comes in but that the road modification doesn't and I think --

HIGBIE: Well, forget the road modification for now. If the idea is to apply the in-fill code to the rural to the newly added urban growth areas, then deleting the change on B.1.a. does that.

WRISTON: No, I tend to agree with Lonnie too. I understand the two policy implications, but there's for a couple of reasons, one, I think it's going to lead to more confusion and it's confusing enough trying to figure out what applies where, but now you're going to have to try to figure out and, you know, someone looking at a parcel or a property owner has got to figure out was I in the urban growth boundary during, you know, this prior to December 31st, 1994 or what have you. The other reason is I think, I mean, if the whole concept of in-fill, and we're calling these properties that are coming in, we're not expanding the growth boundary that much and we're calling them rural, I guess they are rural today when they're expanded, then I guess they, when we expand it, then I guess they become urban but --

LEE: That's why we want urban road improvements.

WRISTON: Right. No, I understand that, but if they, you know, if they are these smaller -- I guess Rich came the closest to answering my concern, but I'm not sure that it does in that he said at some point that will probably go away and then the next ones to come in, but it's still if those properties meet those criterias and they're small properties and they're, you know, these two and a half acre or less properties that are not likely to be developed to the urban, you know, to an urban extent without incentives and things like that, I'm not sure we want to put this on so that it's a disincentive so that it's, you're discouraging those. Then we're just going to run into the same problem that we've had that we had the in-fill ordinance to address. I mean it's kind of a circular, circular argument and it's all a question of timing. So, I mean, I agree with Lonnie that it is still on -- the burden on the applicant to make that case I think. It's just a road modification, it's not automatic, is it?

LEE: No, it is not automatic.

WRISTON: I mean so from staff it sounds like my chance -- go ahead.

LEE: Well, I mean the more room there is for argument pro and con, the more chance that something is going to slip through the cracks and cause a problem later on.

MOSS: Well, that's true. On the other hand I can envision situations where -- let me give you an example. There are a lot of cluster developments out there in the rural area and some right on the edge of the urban growth boundary and if we take those clusters in and many of them are three-quarter to one-acre lots and we put this requirement in to do frontage improvements on those which were developed as rural one acre or smaller lots, it's unlikely that any of those will redivide. And if they do, it's very unlikely that all of them will redivide, in which case we're going to have a bunch of really spotty urban, rural, urban, rural, roadway sections and that isn't something, you know, as a long-time highway engineer one of the things that I can say that is important for safety is consistency and it's not a good idea to have that kind of a patchwork of road sections and I can well imagine this getting into a situation where somebody could quite capably demonstrate that it's unlikely that a cluster subdivision is unlikely to develop to an urban standard, yet we would say here that you've got to improve to a rural or to an urban standard anyway. I don't really want to see that.

LEE: Good. I don't think we want to see it either and we feel that the recommendation before you has a better chance of accomplishing the same goal at least for the immediate future until some of those areas begin to develop and then we can take another look at the ordinance.

BARCA: I thought we had actually covered this, Lonnie, by utilizing the word "anticipated" and having that as part of the language. Wasn't that your argument earlier, that if you could put forward the case that --

MOSS: Yeah, I think, I think so, Ron. The question here, though, is a policy one and that's do we apply this in-fill to those newly expanded areas. If we don't, that language doesn't mean anything because they don't qualify for in-fill.

BARCA: And I guess as I heard it brought forward from staff and then reiterated by Rich, the thought process that staff was bringing forward, and of course correct me if I get off track from where the thought process was, but that that would be taking care of itself, it would be a diminishing concern as the existing area that was within the ordinance in-fills to a certain degree and then only when we brought in an additional boundary would that issue come up again. But I think what I'm hearing you argue right now is we should move it all the way out to wherever the edge of the urban boundary is and then this issue on the road standard becomes primary again.

MOSS: It becomes meaningful.

BARCA: Okay. So if we keep the portion that says the pre-1994 boundary, then it's not an issue in your mind?

MOSS: That's correct.

LEIN: Any other questions of staff on this issue?

WRISTON: Well, I have a question of Lonnie. So you're advocating keeping B.1.a. in?

MOSS: No.

BARCA: No, he wants it out.

MOSS: No, I want it out. And I'm saying that the language in the road standards I believe takes care of the problem of not requiring frontage improvements merely because it's in a rural area.

WRISTON: Without the language, without the modification you're saying or with this modification?

MOSS: Well, the language, the language there, if I understood staff's concern it was that when we take these areas into the urban growth boundary all of them are rural, you can look 800 feet up and down the street and this section is rural, so somebody could say, well, I want to do an in-fill development and there isn't any urban development in the area so I don't have to do any. I think the language in 1205 takes care of that because it talks about anticipated improvements also and I think the burden is on the applicant to show that the rest of these properties are not going to develop.

BARCA: Is there any staff comment on the aspect of policy or the idea that if indeed we remove the language from 1.a. what the anticipated result is going to be? Obviously we've

made a conscious choice to set this tighter boundary for the use of in-fill.

HIGBIE: That's not what I'm hearing.

BARCA: That's not what you're hearing?

HIGBIE: Not what I'm hearing from the Commission. I'm hearing the Commission wants to apply the standards as they currently exist to the expanded urban growth boundary.

BARCA: But my question is since this language was included in the proposal that was given to us, I'm anticipating that you had some specific reason that this would become a tool for a policy that you're trying to enforce or encourage and I was interested in getting some of that discussion on the table.

LOWRY: I think the policy issue is whether we should wait to see what development patterns start to exist, start to be created in the rural area that's brought in before we allow the in-fill ordinance to be used. Or at least that portion of the in-fill ordinance that allows one to escape from frontage improvements. It's really an issue of do you want to err on the side of encouraging the in-fill or do you want to err on the side of making sure you get the roads.

WRISTON: What's been happening on the ground? I mean when we did our original we were just trying to -- this is the second time we've moved the growth boundary? This will be the second?

HIGBIE: It will be the first time where we've had an in-fill ordinance.

WRISTON: No. Right. But I mean but when we adopted the ordinance presumably there are those areas still that exist that kind of fit what we're talking about that I mean just because, you know, just because we bring the, you know, move the growth boundary doesn't magically make these rural roads urban. I mean there are probably areas that are within the growth boundary that this ordinance applies now that are similar to what we're bringing in. Are you following my logic?

HIGBIE: Yeah. And I think the first boundaries that were established in 1980 under that plan had a lot more small -- the rural lots had tended to be smaller because the zoning at the time had a lot of one-acre rural zoning. When we expanded the boundary in 1994 we took in a lot of one-acre lots because there used to be a lot of one-acre lot zoning around the perimeter of the urban growth boundary at that time. So but there hasn't been since then, the zoning was changed to two and a half, well, to 5-acre lot minimums basically, so there aren't as many of those smaller lots in any of the expansion areas now as there were under the previous expansions. So the -- well, I guess that answers your question.

MOSS: Although we have in the urban growth boundary expansions that we've looked at there are quite a number of cluster lots there, old agricultural and forest land cluster lots



that we're talking about taking in and those are the ones that I'd be concerned about.

BARCA: Concerned about from the aspect of road standard?

MOSS: Yeah, I would. I would expect that some of those may redivide into a few lots, but I don't expect that that's going to be a consistent thing to happen. You know, most of those have poorly sited homes on them for redivision and I think one-acre lots in general, I just don't have high expectations that those are going to redevelop any time soon.

WRISTON: Isn't urban holding, the whole point is probably moot if we adopt the language in the urban holding anyway --

MOSS: Yeah, right.

WRISTON: -- because it's not going to be zoned, none of these properties are going to be zoned R1-5, 6 or 7.5 for a long time.

LEE: Well, they are zoned that right but --

WRISTON: What's that?

LEE: -- when you get to that --

MOSS: They just try to develop it --

LEE: It's, you know, it's the 20 year plan. When you apply the holding it's how soon you can remove the holding I believe becomes the question, but certainly there would be -- I would fully expect there would be some short-term development in some of those areas once your annexation occurred or assurances that the facilities were there were made. So I, you know, I'm looking at this as establishing real zoning maybe with a slightly delayed start, but we're establishing real urban zoning in these areas.

WRISTON: Okay. Yeah, I mean I understand it's an overlay, but I'm saying it's not -- people aren't going to run out and start being able to do in-fill projects if the urban holding concept is in place. I mean they won't be able to do in-fill on urban holding even though it's an overlay, the underlying zone, urban zoning is there; right?

DELEISSEGUES: Who makes the determination on this anticipated? I mean is that the developer or the applicant, is the burden on him to determine what's anticipated, or does the County make the decision?

HIGBIE: The County makes the decision. It's usually the applicant --

DELEISSEGUES: I have to agree with Lonnie, I live in one of these cluster developments on one acre and, you know, they're situated not only such that it would be difficult to

subdivide the lot, but you've also got probably a septic tank and a leach field and a few other amenities in there that until the sewer catches up with you, you would not probably subdivide the lot. But even if you did, the roads in there are very local roads, a lot of them are cul-de-sac in mine, and they're not arterial by any means or anything that you would put frontage improvements on. So anything that you can do to take the requirement out for frontage improvements and make that the exception rather than the rule I think would be beneficial to encouraging any kind of lot subdivision in those cluster developments that may be taken into an urban area.

LEE: Let me just -- you can certainly go that way. I would say that the school districts would come from a different perspective.

MOSS: Well, that gets to a different policy issue and that's, you know --

LEE: No, you still have the frontage improvements, the question that it raises.

DELEISSEGUES: Well, you'd only have frontage improvements if you had a subdivided lot --

MOSS: I'm not sure how that relates to the school districts, Pat.

DELEISSEGUES: -- the rest of them most certainly aren't going to have frontage improvements.

RUPLEY: I think an easier one would be remember the testimony with the fire districts in terms of what they --

MOSS: Yeah, Pat, I'm not sure I understood your comment with respect to the school districts. Because of the frontage improvements or because of the growth in those areas?

LEE: There will be additional students, the desire for safe pedestrianways and things like that can be expected in an urban area.

MOSS: But even in the while in-fill developments are exempted from the frontage improvements, they're not exempted from pedestrian walkway requirements as I recall the ordinance, that those still have to be provided. At least I think that's the case. That's the way it left this Planning Commission, I don't know whether the -- Rich, can you think of some language that might make you more comfortable on this anticipated improvements to take care of the --

LOWRY: No. I mean I think this is simply a policy call. As I said, I think it depends on one -- whether one comes down in terms of you're trying to maximize the amount of in-fill that's occurring or you're trying to maximize the probability that we'll have a good, the best possible road system, and it's just purely a balance.

LEIN: Anything else on the Code Changes?

BARCA: Are we going to --

WRISTON: What are we doing?

BARCA: -- move on these and actually conclude some of this discussion with them? I mean it's been a wonderful talk and I think we covered it thoroughly. We've asked for some clarification, we've got some changes, everybody has seen the Draft 3 of mixed use now.

WRISTON: Well, I, yeah. Are we going to --

LEIN: Well, I think we have a list that we developed last meeting of many of the questions that you brought up --

WRISTON: Right.

LEIN: -- that we would need to go through and come to an agreement on before, you know, we basically go through and start adopting the urban holding district, the mixed use, because I think there's issues in almost all of those.

WRISTON: There are. So we're going to start --

BARCA: After a break.

WRISTON: -- just in the beginning.

LEIN: Let's take a break and then we'll come back and go through them.

HIGBIE: Again.

LEIN: Again. Only the burden is on us this time.

(Pause in proceedings.)

LEIN: We'd like to reconvene the meeting and we wanted to go through and discuss what we could adopt in terms of the update of Code Changes. At the break Mr. Lee reminded me of the conversation we had on the urban holding districts, some of that in terms of acceptability and respect to the comprehensive plan map we wanted to sort of continue on as we get into the analysis of the Cities requests, et cetera, but why don't we go through each of these and see how far we can take them. Okay.

DELEISSEGUES: Is Ron coming back?

LEIN: Who. Vaughn's back.

RUPLEY: Ron.

LEIN: Ron, I imagine he'll be back.

DELEISSEGUES: Ron who.

LEIN: I'm sure Ron will be back.

WRISTON: We'll take it out of his check.

LEIN: Urban holding districts, any questions or concerns or comments on that, questions of staff? I had a question. On Exhibit 1A, it's the "DRAFT Urban Holding Language," do you have that?

HIGBIE: Yes.

LEIN: Just above the expanded urban growth boundary that last sentence "there will be no net loss of industrial land" I have a question there. Did we include business park there also? That was a discussion and I'm not sure we came to a conclusion.

ORJIAKO: Staff was recommending that business park and the OC be included when we rewrite the existing.

LEIN: Okay. So we would include the business park, okay.

ORJIAKO: Yes.

LEIN: Thank you.

HIGBIE: I would also point out that I believe that the only City that has agreed to a no net loss of industrial land policy at this point is the City of Vancouver, all of the others have either rejected the idea outright in the case of the Battle Ground or that other Cities have agreed to a no net loss on a kind of a no net loss of jobs kind of idea, and so it would be that language that's shown there for Camas, there will be no net loss would be a staff proposal that would not presumably be acceptable to the City of Camas. We've added that language to Battle Ground's and we did not add it to the others because at least at the time they weren't proposing any expansions of industrial land to the rest of them, but that is an issue that you probably would want to deal with.

LEIN: And if we recommend the no net loss to say Camas, Battle Ground, then as it gets to their respective Councils they would be making a recommendation on it also?

HIGBIE: Yes.

LEE: Yes. They would -- we would be requesting them to incorporate language into their comprehensive plan --

LEIN: Okay. And if our --

LEE: -- would decide whether to do that or not. I would also say at the present time the County is the only one constrained by that policy under the existing 1994 plan.

DELEISSEGUES: Yeah. I specifically asked that question when Ridgefield testified and they said they would rather look at it as no net loss of jobs rather than any kind of an industrial zoning. The other question I --

LEE: From a policy perspective staff does feel it's an appropriate recommendation.

RUPLEY: It's an in --

LEE: It is an appropriate recommendation. We had tried to incorporate it as a countywide planning policy as Bob just outlined, that may not be possible, but we believe from a policy standpoint it is a very important policy to try and capture.

DELEISSEGUES: Bob, you said that business park is included in industrial land? Is that what you said?

HIGBIE: And office campus.

LEE: We are proposing -- the language is not included, but based on our discussion earlier in the hearing process we are recommending inclusion of business park, well, the employment district which is implemented by business park and office campus under that as well.

DELEISSEGUES: I remember a lot of the site-specific requests where the recommended zoning was business park particularly and they were surrounded by residential that they wanted to change the zoning from business park to residential. So if that's in the no net loss that would make that difficult I suppose.

LEE: Well, I think based on the testimony we've heard staff will be coming forward with some revised land use recommendations when we get there that may resolve a lot of those issues. Your point is, yes, if it were to be applied, if an area that was so designated and if an area that was so designated for an employment or industrial use was requested to be changed through an annual review cycle or whatever to a different urban use, then we would be looking for some other piece to backfill so that you have a no net loss. It doesn't mean that that parcel forever has to be that way, but we would be expecting a redesignation elsewhere to keep it in balance.

MOSS: Pat, I'm not really clear. Does the "and" apply to only 2?

HIGBIE: Where are you?

MOSS: On the draft urban holding language.

LEIN: What page, Lonnie?

MOSS: We're talking about the no net loss, you know, it comes under "and so long as it can be demonstrated that." Does that only apply to 2 or does it apply to 1 also?

HIGBIE: I think I would say it applies to both. I mean it's you have to do 1 and 2 as long as it can be demonstrated so it's cumulative.

WRISTON: That's how I read it too.

LEIN: What page are you on?

HIGBIE: I'm referring to Exhibit 1A.

MOSS: Yeah, I'm on 1A, Page 1. I guess it's not. I'm just wondering --

HIGBIE: For Camas I think.

MOSS: I'm just wondering why any of this applies to 2 if annexation isn't going to occur?

HIGBIE: It's cumulative. I think you need to meet 1 or 2 and so long as.

MOSS: Well, this is my question: If we're in 2, annexation isn't going to occur so the development of this land is done under Clark County's jurisdiction, so how is someone going to demonstrate that sensitive environmental resources are going to be adequately protected? The County has a full set of environmental ordinances, isn't it a foregone conclusion that they will be?

HIGBIE: Well, in this particular case if it was, we would have to reach agreement with the City of Camas on how this area would develop and it may, it may or may not, and Camas may or may not have environmentally up-to-standard ordinances.

MOSS: Where does it say that though?

HIGBIE: If annexation is not geographically feasible, adoption of an interlocal agreement and subarea plan to the extent feasible to Clark County and the City of Camas that includes the following, so we would be working together.

WRISTON: We've said this is right now outside of Vancouver anyway, with all the other Cities this is standard practice. So is this new language? I mean is it new, is this, and so long as it can be demonstrated?

HIGBIE: Yes. Those are new. This is new language. In the case of Camas, however, it's unlikely that we'll be facing this issue because they will annex.

MOSS: Well, let's look at Vancouver then. Let's assume that annexation is not geographically feasible, why wouldn't all of this apply to that then? We have environmental ordinances in place right now in Clark County, so if there's no annexation it shouldn't apply, should it?

DELEISSEGUES: Under the City's requirements?

MOSS: Yeah, the City's requirements wouldn't apply if this is done under the jurisdiction of Clark County so.

HIGBIE: No, not necessarily. Not necessarily. We could enter into an interlocal agreement which it says -- at the opening sentence that said that Vancouver's environmental ordinances applied as opposed to Clark County's.

MOSS: Well, I don't think 2 covers that, does it?

HIGBIE: Adoption of an interlocal agreement and subarea plan to the extent possible.

MOSS: That includes the following.

HIGBIE: Yeah.

MOSS: I don't see anything in there about environmental ordinances.

HIGBIE: As long as it could be demonstrated that those, that language, could be incorporated into an interlocal agreement that said in that case there will be no, there will be no net loss of industrial land, that the open space along Lacamas, Fisher Swale will remain open space, that the wetlands along the swale as identified in the interlocal agreement will remain open.

MOSS: I'm just wondering why would you need an agreement with anybody when you're in control of that already? Clark County's already in control, if this development is being done under Clark County's jurisdiction, why do you need an agreement with the City of Vancouver to ensure any of these three things?

HIGBIE: You may not. But, for example, the City of Ridgefield has expressed to us that if they wanted to allow industrial development to occur prior to annexation in their urban growth boundary under the control of Clark County, they would want that development to

occur consistent with their industrial development standards, not ours. We could allow that to occur through an interlocal agreement. So I'm not saying --

LEIN: But then it would never get annexed.

HIGBIE: Well, it may or may not.

LEIN: This says geographically feasible.

BARCA: "If not geographically feasible."

LEIN: If not geographically feasible, so I would assume that that would mean it doesn't lend itself to ever being annexed by that City.

HIGBIE: I don't ever -- I don't think never is you can assume. It could be on the furthest edge of the boundary and they can't get from here to there when the development, you know, as soon as they want the development to occur, but over time they might be able to get out there and would probably develop a provision for future annexation under Item 2.

DELEISSEGUES: So why put it in urban holding?

MOSS: Well, you know, here's my question. I'm looking about the mechanics of this. We've got someplace out on the north end of the Vancouver urban growth boundary which isn't going to be annexed by Vancouver in the foreseeable future at all, okay, if we follow 2 here we're talking about adoption of an interlocal agreement and subarea plan to the extent possible to Clark County and the City of Vancouver. Now, you know, to the extent possible recognizing that the City of Vancouver isn't the urban services provider out there, don't provide sewer, don't provide water, anything like that, so I'm not sure what that, what that is going to -- what that interlocal agreement really is going to include other than a provision for future annexation if Vancouver ever wants to go out that far. But I'm wondering whose duty and responsibility is it, then, to demonstrate all of these things that are under the "and so long as it can be demonstrated" heading? Who does that?

HIGBIE: I think that you have --

MOSS: And how is it done? Who's the judge?

HIGBIE: I think you've -- I'd like to draw a distinction between all of the other cities and Vancouver because the exchange that we've been having when you're talking about Battle Ground and Ridgefield and Camas, I have different and you have different issues with those than because --

MOSS: Yeah, we have, I agree, there are two different scenarios here.

HIGBIE: Okay. So if we're just going to focus on Vancouver that will make it a lot easier.



Vancouver has three distinct -- in my mind at least three distinct areas, the Hazel Dell area which depending on who you talk to may or may not annex, may or may not incorporate and certainly has a different relationship in the near term to the City of Vancouver than the area along Fisher Swale, so it's reasonable to look at the two areas differently and allow or consider different levels of involvement between the City and the County in those two areas. We have only one proposal before us which doesn't distinguish between the three and so I think you could very easily say that we could treat those areas differently through three different or two or three different policy languages. So instead of one urban holding policy for the entire urban growth area, we could have two or three. The Fisher Swale is very likely to annex to the city of Vancouver, this language is probably very good for that situation, it may not be as good for the area in Hazel Dell.

DELEISSEGUES: It would seem that that would be the criteria that you just hit on whether or not you'd put that land in urban holding or not. I mean it's not only geographical but it's political.

HIGBIE: It's not an issue to me of whether or not it's urban holding, it's an issue of how does the City of Vancouver relate to whether or not that urban holding area comes out, comes out or not or under what circumstances the urban holding comes out or not.

DELEISSEGUES: But you're pretty much in limbo when you're in urban holding and, you know, as far as being able to develop that land, and if it's not in the foreseeable future one way or the other, I mean in the next 10 years, I would wonder why we would put it in urban holding yet. Maybe later on when it looked like it was more likely that it would be annexed, but when we can look at areas outside of some of these cities and there's no likelihood that they'll be annexed any time soon because the City can't deal with it, can't provide the transportation, water or sewer or whatever else they might have to provide in the way of services, I would wonder why we would put that area in urban holding at this time.

HIGBIE: Well, staff believes and are recommending urban holding for reasons that have little to do with whether Vancouver can annex or not in the near future.

LEE: Well, I mean as we've discussed, you know, we have our own capital facilities challenges and urban holding is a tool that might help us to address those challenges as the land use authority in the unincorporated Vancouver UGA. So as Bob said, it's not just a question of annexation to Vancouver, it's a question of more importantly some of the capital facilities questions.

MOSS: Well, you know, I have a whole bunch of questions that are policy issues on this and I'm not sure, really, how to get started with all of them, but let's skip to a different area. Let's just go over to Washougal for example. If the, you know, in the Washougal area we do have pretty much the same language but we don't have all the and language, but we do have the language that requires that it be demonstrated that the following conditions are met. One of them is sensitive environmental resources including wetlands, fish and wildlife habitat, floodplain, shorelines, geological hazards, et cetera, et cetera, will be adequately

protected. What do we mean by that? Does that mean that Washougal has to adopt an ordinance similar to Clark County's Habitat Conservation Ordinance before we will allow that to be annexed?

HIGBIE: No, because the Boundary Review Board doesn't recognize those issues. The decision to remove it would prior to annexation is when that information would or that criteria would kick in. The City of Washington could simply annex it and develop it under its own standards with this language and that's normally what they and all the other smaller cities have done in the past.

MOSS: Okay. What about in Vancouver's case, are we going to require that they adopt a habitat conservation ordinance --

HIGBIE: If they don't have one already, perhaps.

MOSS: -- in order to qualify to annex property?

HIGBIE: No. No.

MOSS: No. No, you said (inaudible) applies to both 1 and 2.

(Inaudible. Everybody talking at the same time.)

LEE: In order to lift the urban holding. In order to lift the urban holding.

MOSS: What if they just want to annex?

LEE: They can annex if they go through the appropriate channels and annex.

MOSS: But the first question I asked was does this and provision apply to both 1 and 2 before annexation and the answer I got was it applies to both. To me that means that before annexation they have to prove that or they have to demonstrate that sensitive environmental resources including wetlands, fish and wildlife habitat, et cetera, will be protected and I'm wondering what that means. Does that mean that they've got to adopt ordinances that are substantially equivalent to the County's because they don't have those?

HIGBIE: Then I was incorrect in my answer because if the property is annexed into the city and it's annexed, I mean we, the County, have no control over how that property develops.

MOSS: Yeah, I made a big loop here, I'm going to try to close the loop. If the property isn't annexed, then it's subject to the County's development ordinances, so why are we asking for demonstration that it will be adequately protected?

LEE: That it may be as simple as applying those ordinances and making the finding that

they're applied, I don't know that it has to be a huge deal.

MOSS: But they're applied to every development so. It, you know, it just seems like I'm, you know, not to beat this to death, but I'm just wondering what that language does. It doesn't appear to do anything to me.

LEIN: Well, you might as well say that the sensitive environmental resources are adequately protected per the Clark County ordinances.

WRISTON: But they will be, so why do we have to say anything, I mean.

MOSS: Yeah, I'm thinking why don't we X that whole thing out since it doesn't apply to 1, but it always applies in the case of 2.

BARCA: Well, let's put this out I guess in the other aspect. Once Bob clarified that it only applies to 2 and not 1, I was also looking at the aspect that an interlocal agreement is drafted between the specific municipality and the County and if what you're saying is the case, that the development will be done under County regulations, I think what I was looking at was that meant that none of this would be waived or altered to City standards in that local agreement and that the Cities were being notified of that fact right up front.

MOSS: That local agreement doesn't even cover that type of stuff, none of those, those three paragraphs above that that talk about the content of the local agreement would include that.

LEIN: But in the local agreement they could say between Clark County and the City of Camas they could agree to use Camas' sensitive lands ordinances, et cetera, instead of the County's. No, I, you know, they could --

MOSS: They could but they will only do that --

LEIN: -- because they may be looking forward to the fact that it could be annexed in the future and they want the ordinances to be in effect that will be existing when it gets annexed.

MOSS: Is that the intent?

LEE: Yes, I think that is certainly part of the intent that we're talking about. I mean certainly there is if areas do not have critical area ordinances yet adopted, I think we would be looking and this language would allow us to in a negotiation over an interlocal agreement to ensure that that came about or County ordinances were applied.

MOSS: But in the absence of an interlocal agreement, Pat, and this is my point, in the absence of 1, County ordinances do apply, so that isn't anything that you have to negotiate over. I mean if it isn't annexed, the County ordinances apply.

LEIN: Yeah, but you have to have the interlocal agreement in Item Number 2.

BARCA: Without annexation.

LEIN: If you have no annexation, you have to have the interlocal agreement.

MOSS: Nothing there says, though, that that has to include that type of discussion and I don't know why the County would want to do that, but okay.

LEIN: Are you going to let that dead horse get away?

WRISTON: It bothers me a little bit, I guess, in the sense that doesn't it -- I mean a lot of times, you know, less is more and when we say these things and we have this discussion, it makes sense to us right now, but five years down the road someone's interpreting this, are we not, I mean. And, Rich, maybe you can answer this, but doesn't this open this up for more, for challenge? I mean doesn't it open it up that someone could come in and say, well, that's great but the County's ordinances don't adequately protect and what are, you know, and what are you going to do because this says you have to demonstrate that you adequately protect? I mean it just, it seems like by adding this we're adding more to something. I mean I don't know. Have we ever done interlocal agreements where, we probably have, I guess where something's, properties left in the County but the City ordinances apply or --

HIGBIE: Well, we had one that was exactly the opposite when the City of Vancouver annexed most of East County, they were unable for a period of a couple of years to step up immediately to do a lot of the development review and we through an interlocal agreement actually served as the land use authority for current development projects in that area until they could take over.

LOWRY: Rich Lowry. Actually it's a bit more complex than simply an interlocal agreement, we'd also have to implement that interlocal agreement by actually adopting some sort of an ordinance adopting by reference the City, whatever City codes we wanted to apply in the interim.

WRISTON: But I mean it's my concern, Rich, is that this language, I mean it, someone mentioned language that specifically referred to County codes or City codes that protect, you know, the environment or something like that, but this opens it up and just says you need to demonstrate that if you're going to bring this, you know, if you're going to -- I guess we've decided that if you're not going to bring this area in but you're going to do a subarea plan and you're going to develop it that sensitive environmental resources and then lists them will be adequately protected. Who's to say that the ordinances adequately protect them?

LOWRY: Sure. You're right if you have this kind of comp plan language that provides a

basis to make that kind of an argument.

WRISTON: Just it creates another potential challenge for anyone that doesn't want anything to happen. So I mean I'm just going to throw that out that I mean some language like this is great, but if we don't need it --

BARCA: The challenge would be there anyway. I mean if you're talking about the aspect of that, the Critical Areas Ordinance is going to have to stand up to best available science under any circumstance whether it belongs to the County or it's a municipality that's putting it out.

WRISTON: As it develops, I mean, sure, but I mean it's --

BARCA: I think you guys are making a really big deal out of this.

MOSS: No, I don't think we're making a big deal out of it at all, Ron. Let me give you an example. In Washougal, for example, along the Washougal River the County's portion of that has a 200-foot setback from the river in which virtually no development can happen. That's because it has a Department of Fish and Wildlife Priority Habitat and Species designation along the river. That hasn't been the practice in Washougal at all, you know, they considered that under SEPA, but they have not established a 200-foot setback as the County has. My question is, you know, even the State, even the State doesn't enforce that, you know, much.

LOWRY: I think the --

MOSS: Well, let me finish my question here, okay. If the City decides to annex a portion of this are we going to have to demonstrate -- is somebody going to have to demonstrate that that 200 foot setback, which is a fish and wildlife, what's the right, habitat corridor is going to have to be adequately protected? Now certainly it would have -- it would be a step down from the protection that the County affords it right now. Is that the intent that that kind of a test would have to be made before annexation could occur?

BARCA: Are we going from interlocal agreements to annexation?

MOSS: Either one.

BARCA: Well, I think that's, I think that's the point of what we've been trying to go through though, these are two distinct issues. If it's annexation, then the City stands on their own merits of how they choose to designate and protect and they have to stand up to the challenge.

WRISTON: Actually in Washougal, though, it's the language doesn't have the 1 and 2, it's combined. So actually -- I mean I think Lonnie's right again in the example that in

Washougal it says annexation or interlocal agreement and if these are met and it's clearly 1, 2 and 3 do apply to both those situations. So it's, I mean, this whole thing is kind of convoluted in the --

MOSS: You know, this is a big policy issue I think that really needs some discussion. We need to know where we're going with this before we decide to do this.

LOWRY: Let me try to minimize it which may suggest that this language isn't as critical as it might otherwise be. Clark County and all the cities in Clark County is under State mandate next year to update our critical area ordinances and there's no question in my mind that that's going to be a process that is very closely watched by the environmental community in all jurisdictions. In '94 Clark County was the only jurisdiction who got a critical areas challenge, I don't think that's going to be true after next year. So I think you're going to see all jurisdictions having to step up to best available science which essentially means either accepting the recommendations of the State agencies, resource agencies, or spending an awful lot of money on your own scientists.

MOSS: Well, that may be coming, but, you know, Rich, and I understand that, but that's been a justification for a lot of ordinances that we've passed that preclude the inevitable. And our Habitat Conservation Ordinance is one of those and frankly the way that it's administered I think is far beyond anything that this Planning Commission or the task force that wrote it anticipated and I'm not inclined to try to preempt something like this from happening knowing what the end result might be, you know, based upon past experience. I'd go a little further and say that one of the things that we requested when we recommended in favor of the Habitat Conservation Ordinance, and I don't mean to get off on a tangent here, but we requested some periodic reviews of its implementation and yet we have yet to see the first one of those I believe.

And, Pat, I know that your workload is heavy and I'm not pointing the finger at you and in saying that you've been derelict, that's not the case at all, but I do think it's probably high time that we had as soon as this thing gets over with that we're working on now, I'd like to see the results of the implementation of that. That's something we asked for at six month intervals and we haven't seen it and the ordinance has been in place for years now. Anyway, that's why I'm apprehensive about putting this kind of language into place here in this kind of policy. I'd like to know specifically what it means. And, Rich, while you may be correct that this may be coming down the pike anyway, I'm not sure that what's coming down the pike is a worse creation than what we might implement on our own here.

LEIN: Well, Lonnie, what are you after here? Are you recommending that that paragraph just be eliminated because there would be existing ordinances within the County --

MOSS: Yes, I am.

LEIN: -- that may or may not be applicable?

What happens if the interlocal agreement does mandate that it refers to the City ordinances rather than the County's?

MOSS: I don't think that this, I don't think this language in here helps that. If the intent between the County and the City is to use the City's ordinances I don't believe that this language helps facilitate that. I think it may hinder that in that if the City's ordinances aren't as tough as, quote, unquote, as the County's ordinances, how could you demonstrate that this kind of protection would be afforded.

WRISTON: Rich, I have an interpretation question for you. On, you might want to, on the Washougal one for example, because I think we're in disagreement up here and this just might help a little bit, the second sentence, "the Urban Holding zoning may be removed through annexation to the City of Washougal or consistent with an adopted Intergovernmental Agreement, and the city and county's land use plan, if it can be demonstrated that the following conditions are met," the way I read that that says that those following conditions have to be met for both annexation or an interlocal or intergovernmental agreement, but there is that word "or" in there which Ron points out and I don't -- just with the way the punctuation is it seems like both those --

LOWRY: That's the way I'd read it.

WRISTON: Is that the way you'd read it too? Okay. I mean I want to clarify that because that's to me right there it flies in the face of -- I mean we're still confused on does that apply, you know, if you go back to Camas, does that apply to 1 or 2 and we heard originally 1 and 2, then we heard, no, it doesn't apply to 1, it applies only to 2. So all of this language needs to be reworked if it doesn't apply in the case of annexation first of all, and I think we're all in agreement of that and that will solve some of Lonnie's problems I think if it just -- first of all if it doesn't apply to annexation.

And then I guess the second thing would be if it doesn't apply to annexation, then either the County's environmental regulations or through intergovernmental agreements the City's environmental ordinances would apply and can't we just state that provided that the environmental, sensitive environmental resources are protected through existing ordinances of, you know, adequately protected through the existing ordinances of either the County or by agreement the City rather than leaving this huge gaping --

LOWRY: I think I'm agreeing with the Commission or the discussion that you're having. One other note is that the Hearings Boards have yet to get into either the what used to be 5 and now 7-year updates or the 10-year stuff. It is likely in my judgment that they are going to at this. They're going to -- even though the Statute says we have until next year to do our first 7-year update, I think it not unlikely that they are going to say because we're doing a plan update this year we have to also prove up the adequacy of our environmental ordinances and I think they're going to do the same thing with the Cities. So I don't think the issue --

WRISTON: So that language --

LOWRY: -- of the adequacy of environmental ordinances is going to be an issue following the round of appeals that we're going to have and remands we're going to have with the Hearings Board.

WRISTON: So the language I proposed would be good because we refer to the ordinances rather than just leaving it wide open.

LOWRY: Well, I'm going further. I think I'm going as far as Lonnie saying that I don't know that the issue of the adequacy of environmental protection through critical area ordinances is one, I think it's going to take care of itself through the next round of appeals to the Hearings Board.

MOSS: My only concern in mentioning this was it seems like it could be a real impediment if somebody decides to challenge this either an annexation or, well, maybe not an annexation, but the removal of the urban holding based upon this. It just seems like another avenue to use and I'm not sure that it accomplishes much positive.

HIGBIE: Okay. So we'll remove all of the references to sensitive environmental resources from all of those sections.

WRISTON: Well, and I think you need to rework the "and's" and "or's" because even then the no net loss and the open space corridors, those things don't apply to annexation either, do they? Or do they?

HIGBIE: No.

WRISTON: So it needs to be reworked.

LEE: We can bifurcate annexation and the others. I would from the staff perspective say if we don't have some preemptive language about applying critical area ordinances, it will just come up through the process and we'll have to do it anyway.

BARCA: I think for the record, then, I need to get it down. And since I, I would rather see wording that ensures the issue as brought out to the public and dealt with in an adequate fashion which would say that either the County would be applying their ordinance, the City would adopt an ordinance that they would request through the intergovernmental agreement to be utilized in place of that, but in some fashion thereby saying that they've reviewed the issue and they've addressed it right up front in that fashion as opposed to saying, yeah, and I'm sure it will get covered because they always do.

WRISTON: I don't care.



MOSS: I mean I guess I'm too much involved in development and either the City's ordinance applies or the County's ordinance applies and there isn't any in between.

RUPLEY: I'm fine with that reference to the County or the ordinance.

WRISTON: So saying it doesn't hurt but leaving it wide open like this could be a problem, but saying as long as one or the other applies, I mean one or the other will apply, I mean it's kind of --

MOSS: Yeah, they apply whether you say it or not.

WRISTON: Right. So saying it, I mean Pat wants to say it.

MOSS: Any development in Clark County's jurisdiction has sensitive lands ordinances applied to it.

LEE: The language that Jeff offered I think is very workable and --

WRISTON: Something along those lines.

BARCA: And that would work for me.

LEE: -- I think as part of -- we've heard lots of testimony about concern for environmental resources throughout this whole process so why not put something there that ties it to the ordinances itself.

WRISTON: So I think there's enough reworking that we would see that again or not or just move it on.

LEIN: Well, I think staff has received quite a bit of direction on this one. I think they understand where we're headed on this.

MOSS: I'm not sure I do.

LEE: I guess the one question, and I thought we were going to defer this conversation till later, was there might be some further discussion about the wording specific to Vancouver because of its unique circumstance.

WRISTON: Yes. And I was, thank you, and I was going to ask that -- we got into a very detailed conversation on that, but, yeah, I agree, I thought we were going to defer the Vancouver part until later.

LEIN: Yeah, this, this page.

WRISTON: Right. So we might as well, they might as well rework it and we can see it

again. I mean we're not going to take action on the urban holding anyway, right, until later, right, so we can read it?

LEE: It wasn't -- well --

WRISTON: I mean otherwise we'd be adopting three-quarters of it.

LEE: I mean it would be nice to have some action on whether or not you want to go up to the urban holding 40 on A.4. And I think the discussion about the specific urban holding language will actually find its way into the comp plan and not the zoning code is where we've been spending the time but, you know, if we could get a read on the actual amendment to the ordinance, that would be helpful.

BARCA: I need to ask a question concerning the Ridgefield urban growth area and why no net loss of industrial lands was omitted from that specific jurisdiction?

HIGBIE: At the time that this was written they weren't asking for any significant amount of additional industrial land, so we would recommend that it be added.

BARCA: Okay, thank you.

LEIN: Well, I think that the concept here is to move forward potentially the urban holding districts. The question that Mr. Lee has is the urban holding 40, whether we add that, and then any other changes I think the Exhibit 1A would -- since this is an exhibit would that be going forward also, Pat?

LEE: No. I think the actual 1A I think was --

LEIN: Informational?

LEE: -- was informational as it relates to the urban holding, but it is language that we would be expecting to be in the comprehensive plan text.

LEIN: Okay. So we would not have to act on Exhibit 1A, we would be making a decision on the Attachment 1.

WRISTON: When do we act on Exhibit 1A? That's what we're waiting to do later?

LEE: Yes, I think that was the -- before the discussion about the environmental, which I think we have had the direction to go now, the concern had been mostly over the specific circumstances relating to the Vancouver UGA.

WRISTON: Okay. And we're going to do that later?

LEE: Yes.

WRISTON: Okay. Because it's the no net loss deal too which needs to be -- we'll just do that later too, the no net?

HIGBIE: I think we pretty much did that already.

WRISTON: Did we do that already, okay.

HIGBIE: You're suggesting that you support the idea of no net loss being applied to the Cities.

WRISTON: To the Cities. Also to the cities, okay.

DELEISSEGUES: Well, I'm not so sure I do. I don't agree with Ridgefield. They specifically requested that it not be included in Ridgefield when they testified.

MOSS: The zoning of Ridgefield or (inaudible) --

DELEISSEGUES: I don't agree with the no net loss when it comes to Ridgefield.

HIGBIE: Okay. Then I guess I misunderstood.

DELEISSEGUES: I think we need some discussion on that.

LEIN: So we don't have any no net loss on Ridgefield here.

BARCA: Right.

DELEISSEGUES: But I heard Bob say he wanted to add it.

BARCA: And that was my request.

LEE: And the staff recommendation, recognizing that it may be uphill as a countywide planning policy, we still think we ought to make a recommendation to apply no net loss policy to all industrial and employment designated lands.

WRISTON: Of course in this circumstance it's kind of our call because these are going to be areas that are going to be still located within the county, this won't apply to annexation, I want to clear that one more time on the no net loss portion as well.

LEE: If it were adopted as a countywide planning policy and if it were put into the individual Cities comprehensive plans, then it would be binding on them as well.

WRISTON: Right. But you're not, we're not proposing that at this point?

LEE: We are. Staff, we're pushing for that.

WRISTON: Oh, you are proposing that all of that --

LEE: Yes, that is our recommendation.

WRISTON: You are proposing all of that. Okay. I thought I heard someone say that wasn't flying, it wasn't --

LOWRY: Yeah, I --

LEIN: I think that came from down here.

LOWRY: There's no question, Rich Lowry again, there's no question in my legal judgment that these plans, the County plan and the Cities plans are not going to fly with the Hearings Board if they don't have a no net loss recalling that the methodology being used to draw the UGAs has a very aggressive policy to maximize industrial land and change the jobs to housing ratio and then doubles it 50 percent market factor. If there is not a fairly firm no net loss policy in the local plans, the potential for bleed off into some other land use, most likely residential, is in my judgment a fatal flaw. And that's based upon three remands that we had with the Hearings Board on this very issue.

MOSS: I'm not sure that we heard any testimony, though, and did we against the no net loss policy completely. We heard from --

LEE: Yes --

LEIN: We heard it from Ridgefield.

MOSS: We heard it from Ridgefield.

LEE: -- the City of Battle Ground outright rejected it. The Cities of Ridgefield and Camas preferred it to be interpreted in terms of no net loss of jobs as opposed to the way we currently interpret it in the County plan which is on an acreage basis. And it really didn't apply to La Center or Yacolt because they are not proposing new industrial land.

LOWRY: Now I --

LEE: And Vancouver is supportive of the policy.

LOWRY: It's not necessary to go to the exact policy that the County has which is a strict no net loss, but some sort of provision that prevents a massive rezoning of industrial land to some other designation.

MOSS: Oh, residential particularly?

LOWRY: Yes. So because that is such a critical issue I think we did get some direction from the Board indicating they were interested in making it a countywide planning policy even though we haven't been able to reach an agreement with the smaller cities to do so.

MOSS: Well, I'm wondering if we can't provide some flexibility that would give Ridgefield what they wanted. I think that's a commendable goal and it may work for them to --

LOWRY: I don't know how that can work. You don't know until you're well into the planning period whether you're going to meet your jobs goal.

MOSS: Well, you do know that what your projected average number of jobs per acre, though, is in the industrial area, that's the way that you sized your industrial area.

LOWRY: Sure. But if they get --

MOSS: So if you can create development that gets that number of jobs through a commercial development, why would that be a problem?

LOWRY: I suppose the argument then would be that there's no justification to change that to residential because you already have the residential supply that is needed for the 20 years. I mean, again, I don't think it's -- I think the Cities should have some discretion.

MOSS: Well, I haven't mentioned residential yet and I don't think that was Ridgefield's proposal, they were talking about no net loss of jobs and residential wouldn't net those jobs.

LOWRY: No. No, but I think they were saying that if they were beating their, if they had one company that come in that gave an abundance of jobs that would, that should free them up to be able to rezone some industrial.

LEIN: To residential?

LOWRY: To residential or something. I mean I don't think that, again that the County model is what the Cities have to adopt, but they need to adopt some policy that addresses the potential that because we're designating so much industrial that that isn't going to be then rezoned by the Cities to some other use.

WRISTON: So how do we do that?

LOWRY: Well, with the -- again, I think what staff is recommending is a countywide planning policy.

WRISTON: And then with the countywide planning policy, then does this language stay because that language is inflexible; right? There's

no -- or can you refer to the policy or --

LEE: A countywide planning policy you could, I mean you could wordsmith the current countywide planning policy to refer to Cities adopting similar types of, you know, not the specific language, I mean you could build in some flexibility that way.

DELEISSEGUES: It looks like there's a downside to the acreage no net loss, too, though. Look at Dollar Tree where they used an abundance of land and provided very few jobs. So, you know, there should be some balance in there some way, jobs and acreage maybe.

HIGBIE: Well, the way the County addressed that is by using a minimum of new industrially zoned land and is looking towards, you know, wider use of business park and office campus which provide for these higher density jobs and discourage the land intensive uses like that.

BARCA: And I think that the --

MOSS: But the policy only applies to the industrial.

LEE: We are recommending that it apply to the employment district as well. Or the employment designation as well.

BARCA: Stating that that means business park and office campus and industrial?

LEE: Industrial and business park and office campus.

BARCA: So does that mean, then, within the context of let's say Ridgefield who has asked for an abundant amount of industrial zoning they would then have the discretion to create office park or office campus, business park, within that zoned area, and if they created the number of jobs per acre required with the intent of that industrial land designation, if they were able to do that within less acreage than initially thought to be required, then the additional acreage that was left over would be allowed at their discretion to be changed to some other designation such as commercial or residential under their proposal?

ORJIAKO: That could happen.

BARCA: Okay. And the rebuttal to that from the County side is the no net loss of acres was specifically tied to square footage; is that correct?

DELEISSEGUES: Square footage of what?

BARCA: Acres. Acres are acres are acres without regard to how many jobs are created in it.

DELEISSEGUES: No, you said no net loss of acreage would be tied to square foot or

something like --

BARCA: Yeah, tied to actual acreage, it's not jobs. Ridgefield's proposal was exclusively jobs and so I'm just trying to make sure I understand the difference between the County's proposal and what Ridgefield is proposing in that regard.

LEE: The benchmark the County has used since '94 is acres and Camas and Ridgefield have suggested some additional flexibility, and with that additional flexibility a policy might be acceptable to them.

LEIN: But they could develop that themselves within the context of the overall policy?

LEE: Yes. I mean it's -- we think it is in their own interest to develop and adopt some policy. Obviously as an individual jurisdiction they could be tested or we could appeal if we did disagree or others could go to the Hearings Board that disagree with their interpretation and test it that way as well, but we think it is in their interest to develop some policy.

LEIN: Other questions or comments on the urban holding district?

MOSS: Not having been here at the last meeting I'll ask the question: Have we gotten to the issue of whether we're recommending applying this?

LEIN: I think that would be the recommendation if we move this forward. We're not addressing the issue on --

MOSS: Has that discussion occurred?

LEIN: On the comprehensive plan discussion that we've had, including the sheet, this sheet, that would be a comp plan issue. But I have not heard a discussion in terms of do we not favor an urban holding or do we favor an urban holding. Is that what you're getting at?

MOSS: That's my question, yes.

LEIN: I've not had that discussion.

MOSS: Well, I think that that's one that needs to occur.

LEE: I'm sorry, Jeff, you were -- I was conversing, you were looking at me with a question in your mind here.

WRISTON: Well, I am subject to what these guys were just saying, is that something that you guys are going to be interested in talking about, whether we need to have the discussion of whether we favor the urban holding concept I believe is what we're talking about being applied to the areas coming in within the urban growth boundary.

LEE: I think there's a couple of different issues. What I am --

WRISTON: Is that one we have now?

LEE: -- hoping we might be able to accomplish tonight is that the urban holding district language that is before you is hopefully you're ready to make a recommendation to the Board. Our recommendation would be approve the language in the district, the discussion of where you may apply that on the land use map and the specifics of the urban holding language I think would be better deferred until we have the land use map, capital facilities discussion.

WRISTON: That's what I thought you'd say there.

MOSS: That could be, but the language that we would be moving forward preempts that, it makes that decision.

WRISTON: No.

LEIN: We could move forward --

LEE: What language are you talking about?

LEIN: We could move forward and not adopt --

MOSS: I'm talking about areas designated urban low density residential on the comp plan are zoned urban holding 20 and those designated commercial, industrial, business park are zoned urban holding 40, it's specific language that just adopts urban holding. Am I missing something here?

HIGBIE: Certain, the key is certain areas. You're going to have to choose where to apply the zone because it will overlay -- or not overlay --

MOSS: Where are you reading this?

HIGBIE: The urban holding, Attachment 1, Urban Holding Districts Purpose, this doesn't tell you where you will apply the zone, it simply revises the zone.

WRISTON: Where are you reading? I'm not sure you're --

LEIN: You're looking under the Purpose, aren't you?

MOSS: No, I was looking at Exhibit 1A.

WRISTON: See, we're not adopting 1A.



LEIN: Yeah, we're not doing 1A.

MOSS: Okay, I'm sorry.

HIGBIE: It's talking about the Commercial, Business, Mixed Use and Industrial Districts, 40.230.

MOSS: Oh, okay.

WRISTON: It's confusing but I think Pat's -- and I figured that's what Pat would say and I think it makes sense. We talked about this at the last hearing, if we just adopt the urban holding districts tonight --

MOSS: Yes.

WRISTON: -- and the language --

MOSS: Okay, I understand what you're doing. I apologize, I'm on the wrong page here.

WRISTON: -- then we'd all -- and when we're dealing with the comp plan and we'll decide, we may decide that we don't put any of it anywhere, in which case it exists but it's not on the map anywhere. Or we don't put it on the map anywhere.

LEE: Kind of like mixed use in the '94 plan.

WRISTON: Right. Right. So that we can get a feeling of a sense of accomplishment.

MOSS: Yes. Yes, let's do that, let's give that to Pat too.

WRISTON: We can move this forward.

LEIN: Do I hear a motion?

WRISTON: Sure. I move to move this forward without the comp plan. Well, anyway, I move to move this forward as we've discussed.

MOSS: I second that.

WRISTON: I moved it and he seconded it, that's pretty good.

LEIN: I'm not asking for any more discussion. Roll call, please.

RUPLEY: I'm speechless.

**ROLL CALL VOTE**

DELEISSEGUES:	AYE
MOSS:	AYE
BARCA:	AYE
WRISTON:	AYE
RUPLEY:	YES
LEIN:	AYE

LEIN: Moving right along to mixed use.

BARCA: Is moving it forward the same thing as adopting it?

HIGBIE: We're recommending approval.

LEIN: We're recommending, yes.

MOSS: Yes.

BARCA: All right. I've never heard Jeff say it like that before so. Yeah, I thought it was some kind of strange lawyer thing you had just done to us.

LEIN: I think on mixed use one of the larger issues we discussed was the impact of higher density than the 22 or 30 or even up to I think the 44 was in the previous ordinance. There was discussion on why limit it to a medium density which is 22.

HIGBIE: The current code says 30 and we're -- that's totally acceptable to us.

LEIN: What's your comments on 44?

HIGBIE: 43.

LEIN: 43.

HIGBIE: That's high density, it's in a mixed use scenario, that would be an incredibly high density, probably equal to if not more than what we're seeing in downtown Vancouver which I wouldn't expect to see in the unincorporated area.

WRISTON: I thought we were looking at 22?

HIGBIE: That was, yes, but that generated so much discussion I thought better of it.

BARCA: So there.

WRISTON: Well, you took sides. I mean I don't know that it was decided that that was a bad idea.

LEIN: No, I think Mr. Barca questioned why --

BARCA: Why limit it.

LEIN: -- do we not go up to a little bit higher density if we're going to make better use of that land in this mixed use district.

BARCA: Yeah, why put a threshold on it in that fashion, that was the question. If it's a bad idea, the marketplace will drive that out, won't it?

MOSS: Yes.

BARCA: I hear that all the time.

MOSS: That's just a maxim; right?

BARCA: Yeah. Give them the freedom to choose.

WRISTON: This is America after all. Okay.

LEIN: Any comments on that aspect of it?

HIGBIE: Is there a motion?

WRISTON: No. I don't like the neighborhood meeting requirement because I don't like the road we're going down. We're starting to see it way too much and it's just adding more. I mean I thought about it more and more and I mean I like having the neighborhood meetings, and in fact we just had one today, we're proactive at what we do, but requiring them we do it here, we do it in the in-fill, someone said we do it somewhere else, it's just -- I mean we do public notice, there's plenty of opportunity to comment, if you do your job well you probably would have a neighborhood meeting, but to require it just doesn't seem -- I mean I'm not sure why we would pick this particular ordinance to require a neighborhood to put a neighborhood meeting requirement in.

LEIN: Well, what if you made it instead of a "shall" a recommendation would you --

WRISTON: Or do a neighborhood meeting and let them skip a pre-app or something. I mean I don't know. I mean make it where you -- I mean in the in-fill you do a neighborhood meeting, but you're getting Tier II I think it is or something, you're kind of -- it's your option to do it and that, because we had a lot of comments and testimony on that.

HIGBIE: You could make it optional instead of required or encouraged rather than

required.

WRISTON: I mean we require a lot of -- this is just one more thing we're requiring.

LEE: I would rather have -- I mean I'd rather have it clear, it's in or it's out as opposed to, you know, encouraged, et cetera. I agree with Jeff, I think responsible developers would be in touch with the neighborhood.

LEIN: But irresponsible people won't.

LEE: Which is why we get requests from neighborhoods to have this kind of language put in ordinances.

WRISTON: Yeah. But I mean we can regulate till the cows come home and you're not going to -- I mean if they're irresponsible, they're irresponsible, and it's just, this is just adding one more thing. I mean there's already layers of things and plenty of opportunity to comment and generally, generally if you don't communicate with the neighbors, you're going to have a problem, you're toast, they're going to, you know, they're going to show up at your hearing, they're going to testify, they're going to appeal. I mean they get their due.

LEIN: At this point it doesn't hurt you because you do it anyway.

WRISTON: What doesn't hurt you? It's a requirement, they're just, they're requiring.

LEIN: Yeah. And you do it anyway; right? You're going to spend the money to do what this says regardless.

WRISTON: Who?

LEIN: You.

WRISTON: If I were developing this?

LEIN: Yes.

WRISTON: Yeah, more than likely I would, but I don't like it being a requirement.

MOSS: Yeah, not everybody chooses to do that though, should we require them to.

LEIN: Well, the other aspect of like Jeff says is you end up with a neighborhood association suing you because they haven't had any input to it.

MOSS: Well, you could. And that's, you know, that's a downside, but, you know, this is a judgment that every developer has to make, what should they do here and I'm, you know, I'm not disinclined to let them make that decision and face the outcome of that.

WRISTON: Well, there are also disadvantages. I mean it kind of takes away from the ones that do the meetings on their own is now if you have a meeting, it's probably you're doing it because it's a requirement, but all I'm saying is we better think about this a little bit because if it's going to go in here and it's in in-fill and it's in whatever else it's going to be in every single ordinance that comes through, and I'm not saying that's a good or bad thing, but it just, you know, we already have, you know, you already do pre-apps, you already do, you know, you go through the application process and the whole nine yards, this is just an additional step and the timeline and everything else I mean and there's no incentive or anything. I mean it's just throwing it in there.

MOSS: Well, there are lots of different styles of developers and a lot of these guys are really good PR people that go around and knock on doors and yet are, you know, pretty comfortable talking to people one-on-one and are not comfortable talking to a whole group that's convened. And, you know, so I guess I'd be inclined to encourage it but make it optional.

WRISTON: Are the neighbors invited to pre-apps, aren't they? They get notice of pre-apps?

ORJIAKO: That's correct. Initially staff idea of inclusion of this requirement is that in a sense you're looking at the next urban area that it may be appropriate to have this kind of meeting and minimize some other potential impact that could arise, but, you know, it's very I will say related to some of the issues that you dealt with earlier in your discussion of the in-fill. This is an area that is very rural that is coming into the urban growth area and you're talking about mixed use that we believe that it may be more appropriate to have this kind of meeting to minimize those type of potential issues that may occur in the future.

Again, it's an (inaudible) urban area, I think our concern is that it may be appropriate to have those kind of meetings. It's not an indictment of any particular group of developers or whatever you may think the intent of staff is that you're looking at a (inaudible) area, it may be appropriate to have that type of meeting to minimize potential issues when we're talking about compatibility and other related type of issues.

WRISTON: No. And I understand that, but just by saying that, that it's in an urban area and it may be appropriate to minimize the issues, all I'm saying is if it's appropriate here, why isn't it appropriate in plats, short plats, you know, every. And all I'm saying is we're just going to go down this road, we might as well -- if we're going to do it here, we might as well decide we're going to do it everywhere.

LEE: I mean part of the testimony we've had from neighborhood associations as part of these proceedings is that we ought to install a development review board so it's something that's on their mind.

WRISTON: A development review board, what does a Hearings Examiner do and staff

and County Commissioners?

LEE: I'm just reflecting on some of the testimony and why some language is proposed. My opinion is that the language should be a requirement or it should not be in there at all, because if it's in there as an "encourage" or "shall," it will just be subject of endless debate.

WRISTON: Yeah. Well, the testimony I mean I heard not a development review board, they wanted a I think it was a design standard review board, yeah, a whole other. But I mean this isn't good. I mean I understand neighbors wanting it but --

LEE: And they are not allowed to speak at pre-app meetings.

WRISTON: No, I understand that.

LEE: As I recall they are allowed to audit them, perhaps they might be able to catch an applicant's ear afterwards and arrange some sort of meeting, but it's not an obligation on behalf of the applicant to do that.

RUPLEY: Is that a policy with pre-app that they can't talk?

LEE: Yes.

RUPLEY: Okay. Because I know at the City they can.

WRISTON: They can?

BARCA: They let them talk, yeah. The County is tough that way. It's my recollection that we had several landowners that saw their parcels appearing in mixed use zoning or the potential for a mixed use zoning come and talk about compatibility issues with mixed use, and I think mixed use is going to be new in the county, it's going to need explanation, it's going to need a certain amount of PR and I don't think everybody is going to approach it in a consistent fashion. It's because of that reason that I think mixed use requires the neighborhood meeting.

And it may turn out that after we've had 10 years of doing mixed use the issues will die down and go away or perhaps they won't as density continues to increase, but I think that the clientele has changed over the last 10 years of who we're dealing with and the reason that people have moved into the county has put them in a position where they really feel like any kind of change, any kind of change at all, is impacting them in some fashion that they perceive initially as negative and I think the quicker that you're able to meet with the surrounding neighbors and dispel their fears, the better off we're going to be and if this saves time at the Hearings Examiner, I think it's a good thing.

WRISTON: Are we going to use the County's neighborhood meeting policy, then, because it doesn't refer to that? And I'm just looking at the one on the in-fill about the -- because I

remember we had a lot of testimony during the in-fill about, you know, how do I do them, where do I hold them, I mean, and, you know, those are all issues. And they're valid issues, it's always tough.

HIGBIE: We could certainly tie that.

WRISTON: I mean but I think some of them I'm not sure we ever did answer. I mean where do you do them and things like that, we never did --

HIGBIE: There was a lot of work done on that with the in-fill, we could tie it to that.

WRISTON: Do you know what -- just out of curiosity where it would or where do you go, a list of places that you do it or something?

HIGBIE: Yeah, I think we've got a little pamphlet and --

LEE: Educational write-up.

WRISTON: I mean it is, just so you guys don't -- I mean it is another full requirement, you know, 90-day notice, 15 days prior, you know, lists, mailing lists, Assessor's. I mean it's just a whole other, it's just a whole other requirement. And that's fine, but just if we put it in here it's just we're down that slippery slope. I mean every single ordinance within the next few years as it comes up, as they come up for review, because there's no reason why -- I mean other than what Ron said it's a new ordinance so, but I still don't think so.

BARCA: Well, do you want to try and get some kind of majority opinion out of the Planning Commission here to see if we keep the language in or move it out so we can get from each of us?

LEIN: I think we need to move on.

WRISTON: Yeah, I've said my part, I'm fine.

BARCA: So you're fine leaving it?

WRISTON: No. I've said my -- I mean I don't have any more to say so.

LEIN: You'd pull it out though?

WRISTON: I'd pull it out.

LEIN: Okay. Lonnie.

MOSS: I'd pull it out.

LEIN: Dick.

DELEISSEGUES: I would too.

LEIN: Jada.

RUPLEY: I'd leave it in.

LEIN: Ron.

BARCA: I'd prefer to leave it in.

WRISTON: 3/3.

LEIN: I think I'll pull it out.

BARCA: There you go. Wow.

WRISTON: Well, that's good, I thought it was going to be 3 and 3.

LEIN: Okay. Minimum setbacks on Page 6, staff had recommended 20 and then came back on and said 10 at Table 40.230.020-3.

BARCA: As I recall it was exclusively fronts?

HIGBIE: No, front, side --

LEIN: Front, side and rear.

BARCA: Oh, for all of them.

LEIN: Yeah.

BARCA: Thank you.

LEIN: Is that okay? Page 5, E.1.b.(1), minimum average density of 12. The question was on the 12 units per acre, per gross acre.

MOSS: Give that citation again.

LEIN: Page 5, E.1.b.(1). And I don't know, I don't think that would be impacted if we increased the density because it's the minimum anyway.

BARCA: Yeah, it's minimum.



LEIN: So is the minimum of 12 acceptable?

MOSS: What's the development site? The entire development site as we're talking here?

HIGBIE: Yes.

MOSS: So if we go for the 70 percent commercial and 30 percent residential, we've got to average this many units over the entire development site?

HIGBIE: No. Let's read it. The minimum average density of 12 units per acre, per gross acre of the development site is required so, yes.

MOSS: Well, that's going to be pretty tough to achieve then. Let's say we do a 70 percent commercial, 30 percent residential development which is permitted under this, okay, so we got to get 36 units per acre on or more, we're talking the gross development site here on the actual area of residential development which only occupies 30 percent of the total has got to be distributed over the entire development site and net us 12 units per acre.

WRISTON: I see what he's saying and I'm not sure that's what's meant. I guess I thought --

MOSS: Applying the 12 to the 30 percent, but you can't apply it to the entire development site or you're going to be in big trouble here --

HIGBIE: I agree.

MOSS: -- or what you're going to do is destroy (inaudible) 70 percent commercial, 30 percent residential developments.

HIGBIE: You need to apply it to the area that's being developed.

MOSS: The residential part, yeah. Well, the residential part of the --

HIGBIE: The residential part of the -- well --

MOSS: Or however it's done, vertically or horizontally or --

HIGBIE: And you can calculate it.

LEIN: That does refer to residential in that element.

HIGBIE: But there's also a floor area ratio for the non-commercial.

LEIN: If this is residential, the piece above it is commercial so it only applies to the residential area.

BARCA: Right. And that was our discussion last time so.

HIGBIE: We'll clarify it.

WRISTON: Just clarifying it would be a good idea.

LEIN: Okay. And then the last I had was to come to any kind of agreement on the density, if we're going medium density or a higher density. What's the desires of the Commission?

BARCA: The same hold, go back to the 30. Is the 30 acceptable? Is that the question?

LEIN: 30 or, you know, in --

BARCA: Or 42.

LEIN: -- one table we had 43 --

BARCA: 43, yeah.

LEIN: -- and we said we may delete that or reduce that down to 30 or if you make it the 43, the market runs it.

BARCA: I still believe that we shouldn't limit them and 43 is okay. I mean the idea whether the market would drive out 43 ever is maybe not reality this year or five years from now, but this is supposed to be a long-range plan.

LEIN: Assuming that people would still live and work there, otherwise it impacts the automobile traffic.

BARCA: Maybe.

WRISTON: What was your point, assuming people live and work there?

LEIN: Yeah. Well, one of the provisions here is to reduce and (inaudible) trips and encourage alternative. If you build at a higher density, if you can't provide the working factor there, you haven't done anything to reduce the trips.

DELEISSEGUES: But I just wonder what kind of a variety of housing that would afford. It would look like a lot of one-room studio apartments or something to try to get 43 residential and on one acre.

BARCA: I suspect it would look like a variety of different densities within one development,

something more like what the Fairview Village model is of single-families, multis, all (inaudible) --

DELEISSEGUES: Oh, I don't think they get 43 units per acre in Fairway Village.

LEIN: What about the one down on Columbia Shores across from Beaches and that?

MOSS: McMenamins.

LEIN: Yeah.

RUPLEY: Those aren't apartments. Oh, right, it does have a residential mixed.

LEIN: It has some commercial and some mixed use.

RUPLEY: What's the percent?

LEIN: I wonder what the percentage of that one would be in terms of density per acre.

WRISTON: It's pretty dense per acre but those are --

ORJIAKO: I don't know.

BARCA: Conceptually that's what we're speaking about.

MOSS: I'm not sure that we've had --

LEIN: Three-story. Anyway, where would the Commission like to go on this one density-wise?

MOSS: Well, I want to back off a minute. I'm not sure that this language gets us -- I want to go back to the question that I had before, the number of units, the 12 dwelling units per gross acre of the development site, I'm afraid we're talking about on a 5-acre site mixed use development that that means that we'd have to have 60 dwelling units.

LEIN: No, just how much of that is residential.

HIGBIE: We'll try to work on language that refers that, ties that to the percentage of the lot being developed.

MOSS: Well, Vaughn, here's the reason I'm questioning this. What if this is a multistory building and you got the commercial on the ground floor and the residential above, do you have to have 60 units on that 5 acres?

LEIN: No, I think that's covered earlier under the uses here in terms of some of the

percentages there. Is that where you're going to refer back to, Bob?

HIGBIE: Well, there is the maximum and minimum amount of mixed use of a given type that you can have, but I don't think it gets directly at what you're talking about.

MOSS: No, I'm just concerned, you know, that the gross development site is -- that kind of language I think is going to be commonly accepted to be the entire development site.

HIGBIE: And I -- yes, and I would like to try to tie that instead of to the entire development site to the percentages that are on the bottom of Page 1. I mean if you're developing 80 percent of the site as residential --

MOSS: You can't do that.

HIGBIE: -- then that 80 -- huh?

MOSS: Can't do that. 70.

HIGBIE: 70 percent of the site as residential, then that 70 percent of the site has to be developed at least to 12 units per acre.

MOSS: Okay. Right.

LEE: Actually, Lonnie, I do think that some of the changes do address that 70/30 split that's in the existing ordinance tries to provide a little more (inaudible).

MOSS: Oh, they do, I'm sorry. And I'm looking at the Draft 3 here and hadn't noticed the change. I agree. 20 and 80.

LEIN: We're changing tapes now so have some patience. Okay. All right. So, Lonnie, are you satisfied now that gross acreage issue if it gets modified by --

MOSS: If it gets modified, yes.

LEIN: Okay. Back to the density provision so we can come to conclusion on that one.

WRISTON: It's a maximum, I don't have a problem with 43.

DELEISSEGUES: Well, I think Ron had a good point, why put a maximum in there at all.

WRISTON: Well, why put it in at all?

DELEISSEGUES: Yeah.

HIGBIE: The comprehensive plan has a policy, the maximum density under the

comprehensive plan is 43.

WRISTON: Is 43 so you just -- it's just you're saying it's maximum, yeah.

DELEISSEGUES: Well, I could see you'd need to have some calculations for the infrastructure too.

MOSS: You're not going to get it.

BARCA: That's today so, yes.

MOSS: But we don't have a development in this county I don't believe that has 43 units per acre, do we?

WRISTON: Right. But it doesn't hurt you saying that they can --

MOSS: No, it doesn't hurt anything.

LEIN: Okay. So that would go to either high or medium densities is what we're saying.

HIGBIE: Correct.

LEIN: I think Mr. Higbie has addressed the other issue in terms of conceptual versus detailed on the detailed master plan for the current design and conceptual for future phases issue.

HIGBIE: Yes.

LEIN: Is there anything else on this that we want to --

WRISTON: Yeah, the --

BARCA: Make a motion, Jeff.

WRISTON: I made a bunch of question marks and wrote a derogatory comment next to components of a master development plan but I can't remember why. What was the issue on the confusion on the components of a master development plan?

LEE: I think it might have related back to that conceptual detail that we were just --

WRISTON: I think it did.

LEE: -- that Vaughn was just mentioning, yeah.

WRISTON: And what did we, it's been a long night, what did we decide on that?

HIGBIE: Well, we thought -- well, when we talked about it last week that at least I really thought that there was a, they were, you know, they were defeating each other, they were, it was a typo or something, but all we're saying is that the change would be to require the detailed master plan for that which is being immediately proposed for development and then any future phases would have a conceptual plan.

LEIN: Would that preclude the option of them coming in with nothing but a conceptual plan?

HIGBIE: Yeah, if they were actually trying to do an actual development, it would require more detail.

WRISTON: What does it mean about "the review authority may modify the proposal, especially those portions dealing with development standards and review procedures"? How does that work?

HIGBIE: I think the idea there is that because it's a master plan the development standards are more flexible. So that if you have, let's say you have numerical standards for setbacks or building heights or that sort of thing in the zone itself, when you come in with a master plan, if you meet the intent of those regulations without meeting the letter that then the authority has the ability to go along with that.

WRISTON: But it reads -- I mean it's more like you bringing a proposal and then the review authority can modify it.

HIGBIE: Where are you at?

WRISTON: In 3, Components, the second sentence, "may modify the proposal, especially those portions dealing with development standards and review procedures," but it doesn't give any standards. I mean that's what I'm trying to get a feel, I'm not familiar with master plans.

HIGBIE: Well, that's exactly, but it's, I think it's saying exactly what I said, the review authority may modify the proposal, especially those portions dealing with development standards and review procedures. So if we have development standards in the code, which we do, we can modify them.

WRISTON: Okay. I don't -- I guess my general comment on 3 is, and it probably just bears one of those things you just got to see how it works, it just seems like there's a lot of generalities and not a lot of specificity.

HIGBIE: Well, because you got --

WRISTON: I know because it's master plan.

HIGBIE: You don't know what you're going to get.

WRISTON: I know, I understand. So is this how a typical master plan ordinance reads --

HIGBIE: I believe so.

WRISTON: -- that you guys have looked at? Okay. Okay.

LEIN: Are there any other comments on the mixed use district?

BARCA: Make a motion, Jeff.

LEIN: If not, is there a motion?

WRISTON: I'll **MOVE TO APPROVE** subject to our discussion and changes in our discussion anyway. Did we make changes? We did make changes.

HIGBIE: Yes, you did.

LEIN: Is there a second?

RUPLEY: I **second** to move it forward.

LEIN: Any further comment?

WRISTON: I said **move to approve**.

LEIN: Could we have roll call, please.

### **ROLL CALL VOTE**

MOSS:	AYE
BARCA:	AYE
WRISTON:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
LEIN:	AYE

LEIN: We can continue working here, employment center districts.

BARCA: I'm dying.

RUPLEY: Yeah.

LEIN: You're dying.

BARCA: You're killing us, man.

LEIN: We've got three more. We need to get through these because we haven't even started on the cities and we don't have that many meetings left.

BARCA: What, there's actually an end?

LEE: You can self-determine that end.

WRISTON: Move to approve.

RUPLEY: Move this whole plan forward.

DELEISSEGUES: It sounds like our boss is putting the pressure on us here.

LEIN: Well, the employment center districts there was really no changes, the discussion was light, that's why I'm trying to move forward on it.

RUPLEY: Did they double your paycheck if you got done tonight?

LEIN: Yeah, they did.

WRISTON: My only concern with the employment center districts or whatever, and I'm not that familiar, is how big are the changes, how big the changes were in the uses. I mean I know you added the -- I think you said you added the 1s, the P1s, 2s and 3s or something like that. I mean how big? I know it's always kind of scary, like, you know, some of the properties we have are heavy industrial for instance and then there's a code change and something goes from permitted to conditional.

HIGBIE: There is so -- well, if you're worrying about existing property zoned business park and office campus, don't. There's been very little, if any, development in any, there is very little land that's zoned that way currently.

WRISTON: Okay. Well, that helps.

HIGBIE: So I don't believe that we're going to cause a problem with existing developments that may have occurred.

WRISTON: Okay. Well, that helps I mean.

LEIN: Bob, could you do, you know, off the top of your head, I thought schools were permitted outright in BP and now they're conditional?



HIGBIE: I believe, yeah. I think we've kept it as conditional. I don't think we've changed it. I can check.

LEIN: Yeah, I thought they were permitted outright under the existing BP --

HIGBIE: I can check.

LEIN: -- but I could be wrong but I thought they were. And it's been changed to conditional, is that right, Oliver?

ORJIAKO: No, we can verify.

RUPLEY: What did you say?

HIGBIE: Is it the Commissions' desire to keep it or to move it to permitted?

RUPLEY: Yes, it would be one Commissioner's.

BARCA: As long as there's no net loss of jobs.

WRISTON: That's a good point.

RUPLEY: That is a good point.

WRISTON: Because schools are ground hogs.

RUPLEY: They are. Maybe they have to be two-stories in this to be a permitted use.

LEIN: Other discussion on employment center?

BARCA: (Inaudible) doesn't like that, two-story schools.

RUPLEY: Yeah, we had had several people testify that they did not want this zoning, didn't we?

HIGBIE: I think they -- well, I don't think they said they didn't want this zoning --

BARCA: Individual landowners.

HIGBIE: -- they wanted some other zoning like residential.

BARCA: Some people like residential.

RUPLEY: But they were zoned or they were proposed for this and they wanted to change

that?

HIGBIE: Yes.

BARCA: How come we can't publish software in business parks?

HIGBIE: They can if you say they can.

RUPLEY: You can build airplanes in there if you want.

BARCA: Page 6, Section F, 5112, software publishers, I don't, I just -- I don't know what that means, that --

WRISTON: That doesn't make sense.

BARCA: -- you wouldn't want them to do it.

HIGBIE: Why don't we make them P then.

RUPLEY: He's tired too.

HIGBIE: Make them permitted.

WRISTON: Yeah.

BARCA: That would be my request.

RUPLEY: Lonnie, do you have anything?

BARCA: And service stations for vehicle fleets, we don't allow permitting for that. That's Page 15, Section G.

RUPLEY: I move to approve.

BARCA: Is there some rationale? I know that you took this out of a book but it's --

HIGBIE: Well, given that comment, no.

WRISTON: You want to keep going?

LEIN: That's right.

BARCA: Anybody have any feelings about that?

LEE: Well, I do have one comment that I'll offer particularly with the office campus zoning

that may raise compatibility issues depending on where it's located with the adjacent residential neighborhoods and we were kind of looking at office campus as a kind of buffer between residential and some more intensive uses I think.

BARCA: Do you got something to say, Evan?

LEE: Say you concur with me.

DUST: If I'm smart I will. Traditionally most fueling stations have been conditional uses because of concerns regarding storage of fuel, so if we're going to change that, particularly in the business park zone, my thoughts would be to make it a conditional use rather than a permitted use outright.

BARCA: I'd be happy with a conditional use to be able to prove their case under the circumstances, but I see an awful lot of types of businesses in here that would utilize fleet vehicles, so it just seems like there's a compatibility that makes sense.

MOSS: I agree.

BARCA: So are you comfortable with a conditional?

WRISTON: Yeah.

MOSS: Conditional, yeah. That would allow some discretion on the siting of that.

LEE: Would you apply that to both office campus and business park?

BARCA: Unconditional, yes.

RUPLEY: Unconditional. I'd also like to say I appreciate seeing child-care as permitted use throughout this area, that's something that there's a real need in Clark County and to make that possible in places is good.

BARCA: Especially places of employment, that really makes sense.

MOSS: There are some oddities in here. I notice a blacksmith shop is permitted in office campus but not in the business park. That seems --

BARCA: Is that under "tourist attractions"?

MOSS: That must be the case.

RUPLEY: What about the drive-through facilities?

LEE: We could go through and switch that.

MOSS: I guess we can. Are we training people to be blacksmiths in office campus locations?

HIGBIE: Well, responding to Ron, we got this off a list.

BARCA: It made sense at the time.

DELEISSEGUES: What did you come up with on the educational services? Were they all going to be recommend permitted or just conditional? Because there was some testimony that some of these schools did work in conjunction with office, you know, things that are permitted in both the campus and business park so it looked like it would be permitted. Maybe not elementary, secondary school might not fit that, but what did you bring up --

LEIN: Well, we heard it from Evergreen School District and from Clark College in terms of --

LEE: Educational services, the list of uses starts on Page 11.

RUPLEY: Is there a reason we can't just make them all permitted?

DELEISSEGUES: Well, that's what I thought.

BARCA: You have no concern of compatibility issues?

LEE: Coupled with the no net loss of jobs that Ron suggested.

DELEISSEGUES: You know, the colleges, university and professional schools.

BARCA: I'm speaking specifically of elementary and secondary, no concerns about compatibility issues. No? Swell.

RUPLEY: Should I? The employment centers too, you know.

LEIN: So what's the desires of the Planning Commission? Do you want to make elementary and secondary and junior colleges permitted, is that what I'm hearing, or conditional?

RUPLEY: Well, I'll tell you why I'm thinking junior colleges or community colleges, if you have a branch site there or something like that, to me that makes a lot of sense that we do that and reduce travel.

BARCA: For the higher education it makes sense to me too.

MOSS: What about the colleges, universities and professional schools?

RUPLEY: Yeah, because that could be private, you could do George Fox, you could do --

LEE: I think it's, I think I understand junior colleges, colleges, universities and professional schools. Elementary and secondary schools I think I've heard different things. I've heard that maybe conditional because of potential compatibility issues is appropriate?

RUPLEY: Is that what you were thinking?

BARCA: That's what I was saying, elementary and secondary exclusively, yeah.

DELEISSEGUES: I think I'd agree too, leave that conditional then.

RUPLEY: Why?

BARCA: Because you don't know who the neighbors are.

MOSS: Well, you know, we made a policy decision some time ago that we weren't going to allow schools in industrial areas and I think some of the reasons for that would apply to this too, we kind of need to examine what it is that we're putting the school next to or --

LEIN: Yeah, but that would be the responsibility of the school as to whether or not they would want to be next to an existing development too.

RUPLEY: And if you had a high school that had a vocational element to it, it would be great for transportation.

MOSS: Yeah, it would.

HIGBIE: And high schools generate an awful lot of traffic and they can put that traffic into strange places and they can cause quite a problem, especially if you're in a business park area that has a lot of heavy trucks. Secondly, the elementary schools can be a problem because depending on what's out there, they could be in an area where there's industrial traffic, industrial developments that either come in before or after the elementary school is built which could cause problems either for the business or for the school itself.

BARCA: And that specifically is my concern is you could site a school and then kill the potential for industrial development because the compatibility issue of moving in next to a school with the potential nuisances that go on in business park applications.

DELEISSEGUES: Yeah, we could, I think we could leave that conditional.

BARCA: Wow.

LEIN: So are we leaving all of them conditional?

BARCA: The higher education, I'm okay with the higher education.

DELEISSEGUES: Being permitted?

BARCA: Being permitted. Junior college and above.

RUPLEY: I just don't want to do anything that would raise the cost of putting a school in to the taxpayers because of the money, the property and then looking at permitting, so I'm okay with conditional though.

MOSS: We agreed, then, that conditional applies only to elementary and secondary.

BARCA: Yes.

RUPLEY: Right, I think the safety issues are important.

LEIN: Any other changes?

WRISTON: Well, the only one left would be correctional institutions.

MOSS: Yeah, let's just permit those anywhere.

RUPLEY: Why don't we permit them anywhere.

MOSS: If this area is good enough for schools, why not correctional institutions.

BARCA: Well, that would help with the no net loss of jobs.

HIGBIE: Would that be next to the grade school?

LEIN: Yes.

WRISTON: All right. Move to approve subject to our discussion.

LEIN: Is there a second?

BARCA: Second.

LEIN: No further discussion? Roll call, please.

**ROLL CALL VOTE**

MOSS: AYE

BARCA: AYE

WRISTON: AYE  
RUPLEY: AYE  
DELEISSEGUES: AYE  
LEIN: AYE

WRISTON: I think this next section we just need a motion.

LEIN: Plan amendments, there's no discussion on plan amendments.

WRISTON: **Move to approve.**

MOSS: **Second.**

RUPLEY: AYE  
BARCA: AYE

LEIN: Roll call, please. **Unanimous.**

EVERYBODY: AYE

LEIN: Thank you. Moving on to the last one, residential in-fill and why don't we take with that the road mod since there was some cross-referencing there.

WRISTON: Well, I'll float a motion.

RUPLEY: Move it forward.

WRISTON: I would because I don't think there was any discussion other than just the question of whether or not it should apply in the rural area or not.

LEIN: What about the --

DELEISSEGUES: Frontage improvements in there.

LEIN: On the first page.

WRISTON: Right. No, that's what I mean. I would move to approve subject to the language and B.1.a. not being in, the underlined language in B.1.a. not being in but the rest of it I think is fine.

RUPLEY: I second.

WRISTON: I don't know.

LEIN: Any other discussion?

DELEISSEGUES: I think there was another change on Page 4 under "minimum lot area" we were going to cross out "and shall be met"?

LEIN: That's correct.

WRISTON: I amend my motion.

RUPLEY: Second.

LEIN: Acceptable to the second. Could we have roll call, please.

### **ROLL CALL VOTE**

MOSS: AYE

BARCA: AYE

WRISTON: AYE

RUPLEY: AYE

DELEISSEGUES: I've got a question on the modification and variances. Did we include the in-fill --

WRISTON: We were so close.

DELEISSEGUES: -- in-fill road modifications in your motion too, Jeff?

WRISTON: Yeah, the road modifications would stay in, the proposed language.

DELEISSEGUES: We had quite a discussion on that.

MOSS: Subject to the discussion on E.

DELEISSEGUES: E. E.1.

MOSS: That language change.

WRISTON: What was the language change?

BARCA: What language change?

HIGBIE: To try to --

MOSS: The proposed language change by staff was within 800 feet of the boundaries on the in-fill development site and we had some discussion about that, roads adjacent to that



site.

WRISTON: Right. I didn't think it --

BARCA: We actually come up with different language.

WRISTON: I didn't think it got anywhere.

MOSS: Well, I thought Mr. Higbie volunteered to make some improvements in that language.

WRISTON: Oh, did you?

HIGBIE: I agreed to try.

DELEISSEGUES: So subject to Mr. Higbie's attempt to improve the language there I vote AYE.

WRISTON: Well, no, that's a good point. And I -- that's a good memory, I don't recall.

BARCA: That's because he didn't say what he was going to do.

WRISTON: What are you going to try to do?

HIGBIE: I'm going to -- Lonnie's position is is that the current language that's currently in the code better explains that the improvements don't have to be -- the improvements that we're talking about are roads that are being basically used by this development as opposed to some other road that's 800 feet away that has nothing to do with this development and I want to, and I'm going to, try to make sure that --

WRISTON: We clear that up.

HIGBIE: -- the intent is carried forward in the language, not to make those roads have nothing to do with this affect the development.

WRISTON: Are you going to do that?

HIGBIE: I'm going to try.

RUPLEY: He's going to try.

HIGBIE: If you say I should.

WRISTON: I amend my vote subject to that too.

BARCA: What do you mean you amend it?

DELEISSEGUES: You already voted, Jeff.

WRISTON: I'm retracting and amending.

MOSS: I think we're all getting goofy here.

LEIN: But we're almost done.

WRISTON: No, I mean that's a valid --

LOWRY: We got language.

MOSS: Do you have language?

HIGBIE: Yes.

WRISTON: Oh, Rich, you're so awesome, I'm going to cry.

LEE: And I have a question. After we deal with this one on one of the prior amendments, I just want to make sure we're recording it correctly.

HIGBIE: Keep the language exactly the same except before the underlining just before the word "within" we'll say neighborhood roadways new language "serving and."

WRISTON: Oh, yes. Yeah.

MOSS: Yeah.

RUPLEY: Serving what?

HIGBIE: Serving and.

BARCA: And within.

DELEISSEGUES: Read the whole thing.

HIGBIE: Partial or full frontage improvements, if consistent with existing or anticipated improvements along neighborhood roadways serving and within eight hundred (800) feet of the boundaries of an infill development site.

WRISTON: Couldn't most roadways be arguably serving? We're talking like primarily serving and not to be too technical but --

HIGBIE: This doesn't say "primarily serving," it says "serving."

WRISTON: No, I know, I'm just saying it's --

BARCA: Do you want to just say "exclusively serving"?

WRISTON: No.

MOSS: No. "Directly serving."

RUPLEY: I'd go with Bob's language.

BARCA: It was actually Rich's language.

HIGBIE: Yeah, that was Rich's language.

RUPLEY: I'm sorry.

WRISTON: Lots of road service. Rich, come on, you got it.

LOWRY: No, I think "directly" is better than "primarily" if you want to put an adjective.

WRISTON: All right, directly serving, that sounds good because otherwise I mean side roads and things like that, I mean you'd have -- there are many ways to get into neighborhoods, so "directly serving." All right.

LEE: What was the specific change to the table on Page 4 I think, Dick? You had mentioned that, I just want to make sure we're getting that right.

WRISTON: You guys are moving too fast, now we're backtracking.

MOSS: Made a change to the table on Page 4?

LEE: I thought that's what --

LEIN: No, there was some discussion with Ron about which one applied to which on the detached versus attached and that was clarified.

MOSS: Oh, there was some language there in 2, minimum lot area.

LEIN: Yeah, we got that one.

WRISTON: So do we need a new motion?

MOSS: No.

WRISTON: We've covered?

LEIN: It was okay. We clarified it with Ron.

LEE: So there's not a change?

LEIN: There's not a change, just the reference between --

MOSS: No. No, there was a change to the language you were --

LEIN: At the very end of that sentence and we talked about that.

MOSS: -- proposing taking off "and shall be met."

LEE: "And shall be met" as being redundant.

WRISTON: They're all talking at once. So do we need a new motion --

LEE: No.

WRISTON: -- on any of that? No.

HIGBIE: No, just vote, please.

LEIN: We need to finish the vote.

WRISTON: Do you want to start over or just --

WISER: The last person --

LEIN: AYE. We're done.

BARCA: So you did get to amend your vote after all.

LEIN: We got through the Code Changes.

LEE: Ready to go on to the maps.

DELEISSEGUES: Let's quit while we're ahead.

LEIN: Well, we are running short of --

LEE: You could do Yacolt really quickly.

BARCA: We don't do anything really quickly.

LEIN: The next meeting is scheduled for November 13th at City Hall here, we have a work session scheduled. Do you still want the work session?

LEE: Yes.

LEIN: So that means we have the 13th and the 17th at this point, the only two hearings to finish deliberations right now.

LEE: Yes.

BARCA: So what's our backup plan?

LEIN: Speechless.

LEE: Well, if you can handle the concurrency and home occupations on the 20th, we could continue to the 20th if you need one final, I don't know how long home occs is going to take.

BARCA: One final.

LEIN: So we still have the option of moving concurrency or the home occ from the 20th to a different date?

LEE: I would -- I mean I suppose you have that option, but I would not recommend pursuing that option. I think we've been holding that up for a couple of months now, I think we'd like to bring it to resolution.

WRISTON: Well, what do we have left to do?

LEIN: We haven't even started yet.

HIGBIE: Do you got an hour?

BARCA: We could show you the three volumes that we haven't touched yet.

WRISTON: No, I understand that, but I mean we're not doing the site-specifics yet so we've got the map.

LEE: Next week you are supposed to give us feedback on that list of site-specifics that we shared with you this evening. We will then go into on a UGA-by-UGA basis the potential changes that we are recommending based on the testimony received. And then once I think we have at least gone through on a tentative basis what that list of potential changes, then we need to take a hard look at the capital facilities and probably the urban holding

language that we discussed quite a bit this evening.

WRISTON: And then all the clean up urban holding and all that stuff, okay.

RUPLEY: So will you say one more time what you think we're going to do next week.

LEIN: Do you understand what's happening next week?

RUPLEY: No, I'd like to hear it one more time.

LEE: Next week I think the first order of business will be approval of minutes.

RUPLEY: Can we defer that?

LEE: No, this is very important since we need to get the record to the Board of County Commissioners for their hearing process. And then there is the site-specific requests, a list of 16 or 20 depending on, you know, that spreadsheet we shared with you tonight, which if any of those would you want to have further discussion on, and then we would get into the specific map changes and capital facilities discussion, including the urban holding language, and I think particularly for the Vancouver area, but other tweaks as well.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

None.

### **ADJOURNMENT**

The hearing adjourned at 11:00 p.m.

All proceedings of tonight's hearing are filed in Clark County Community Development/Long Range Planning. The minutes can also be viewed on the Clark County Web Page at [www.co.clark.wa.us/ComDev/LongRange/LRP\\_PCagenda.asp](http://www.co.clark.wa.us/ComDev/LongRange/LRP_PCagenda.asp)

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Vaughn Lein, Chair

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Date

*Minutes Transcribed by:*  
*Cindy Holley, Court Reporter*  
*Sonja Wiser, Administrative Assistant*

SWmin 11-06-03